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Matthew T. Daly

M. Cecilia Daly

VIA HAND DELIVERY

September 27, 2021

City of Burlington
Department of Permitting & Inspections [Zoning]
645A Pine Street
Burlington, VT 05401
Attention: Mr. Theodore Miles

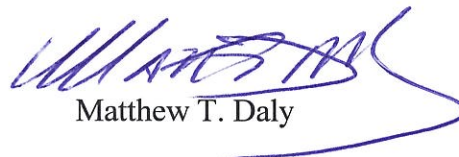
***RE: NOTICE OF APPEAL / MIDTOWN ASSOCIATES, INC.
230 Main St. / Zoning Violation ZCPT-21-7***

Dear Ted:

This office represents Midtown Associates, Inc. regarding the above referenced matter. Please treat this letter and the attached as our client's *Notice of Appeal* of the "Notice of Zoning Violation (ZCPT-21-7)" dated September 13, 2021 [a copy of which is enclosed herewith]. Also enclosed is a check in the amount of \$250.00 as the Appeal fee.

Thank you for your attention to this matter.

Very truly yours,


Matthew T. Daly

Enclosure

NOTICE OF APPEAL

NOW COMES Appellant, **MIDTOWN ASSOCIATES, INC.**, with an address of 29 Church Street, Burlington, Vermont, by and through its counsel, Daly & Daly, P.C., and hereby files this Notice of Appeal pursuant to the Section 12.2.2 of the City of Burlington's Comprehensive Development Ordinance. Appellant hereby appeals the "Notice of Zoning Violation (ZCPT-21-7)" dated September 13, 2021 [a copy of which is enclosed herewith] to the City's Development Review Board. The subject matter of this Appeal is real property owned by Appellant located at 230 Main Street, Burlington, Vermont and ZP-20-780 (the "Permit"). Appellant contends it is not in violation of the Permit as alleged in the Notice of Violation and respectfully requests a hearing to obtain relief.

DATED at Burlington, Vermont, this 27th day of September, 2021.

MIDTOWN ASSOCIATES, INC

By:



Matthew T. Daly, Esq.
Daly & Daly, P.C.
126 College Street, Ste. 305
Burlington, VT 05401
802-658-6665
Attorneys for Appellant



PERMITTING & INSPECTIONS

645 Pine Street, Ste. A | PO Box 849
Burlington, VT 05402-0849

Housing: (802) 863-0442
Trades: (802) 863-9094
Zoning: (802) 865-7188

NOTICE OF ZONING VIOLATION (ZCPT-21-7)

September 13, 2021

Mid-Town Associates Inc
29 Church St 3rd Floor
Burlington, Vt 05401

Mailed Certified Mail 70150640000235844786
And FIRST CLASS MAIL

NOTICE OF VIOLATION AT:
230 Main St, BURLINGTON, VT
TAX LOT #049-3-099-000

Zoning Violation# ZCPT-21-7

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 230 Main St, Burlington.

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

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 8, 12, and 24 VSA §4451.

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit an application to attempt correction of the violation, however, be advised application and filing fees are subject to a fee increase for permits required to correct a violation.

This correspondence serves as a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice to cure the referenced violation. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not cured or remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.

This Notice of Violation (NOV) may be appealed to the Burlington Development Review Board in accordance with the provisions of CDO Sections 2.7.12 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV September 13, 2021, and accompanied by the appropriate fee, (\$250), in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Zoning Office (645 Pine Street) by **4 pm on September 28, 2021** an appeal shall not be perfected until the fee is received.

If you have any questions, please call Ted Miles or William Ward at (802) 863-0442.

Sincerely,

William Ward
Zoning Administrative Officer

Sincerely,

Theodore Miles
Code Compliance Officer

Cc: Land Records for Tax Lot # 049-3-099-000

VIOLATION DETAILS

LOCATION: 230 Main St, Burlington

DECISION DATE: September 13, 2021

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

FINDINGS: Property not in compliance with approved zoning permit ZP-20-780, which was to demolish building, related parking, and ancillary site features and turn the property into green space. Area has not been converted to green space and is being used for parking.

REMEDY OPTIONS: Within seven (7) days from receipt of this notice you may cure the violation by:

1) – Removing the violation noted above by discontinue parking and turning the property into green space as per the approved permit and site plan dated 11-24-2020, **and informing the Code Enforcement Office that the violation has been removed so our office may verify compliance; or**

3) - Entering into an Agreement with the City of Burlington to extend deadlines in which to come into compliance with the City's ordinance (**administrative fees required**).

APPEAL RIGHTS: You have the right to appeal the enforcement officer's decision that a zoning violation exists on your property to the Development Review Board in accordance with the provisions of Articles 2.7.12 and 12.2.2 of the CDO within fifteen (15) days **from the date of this notice**. **The deadline for filing an appeal is 4 pm on September 28, 2021.** Submit a complete application with ZV# and appropriate fee to the City's Zoning Office, accompanied by a memo stating the ZV#, the owner's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that the violation exists, and the decision of the enforcement officer shall be binding 24 V.S.A §4472(d).*

REGULATION CITATION: CDO Article(s): 2, 3, 5, 8, 12 and 24 VSA §4451