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December 15, 2020

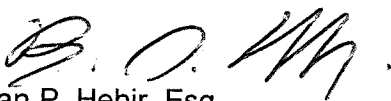
William Ward
Zoning Administrator Officer
Permitting and Inspection
City of Burlington
645 Pine Street, Suite A
P. O. Box 849
Burlington, VT 05402-0849

Re: 110 Riverside Ave., Burlington, NOV 380795.

Dear Mr. Ward:

Please find enclosed for filing with the Development Review Board a Notice of Appeal, a copy of the Notice of Zoning Violation, and the filing fee in the amount of \$250.

Very truly yours,


Brian P. Hehir, Esq.

cc: Chairman, Development Review Board
Joe Handy

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CITY OF BURLINGTON

DEVELOPMENT REVIEW BOARD

IN RE: 110 RIVERSIDE AVENUE
NOV 380795

NOTICE OF APPEAL

NOW COMES Sisters and Brothers Investment Group, LLP, owners of 110 Riverside Avenue, by and through their attorney, Brian P. Hehir, Esq., and pursuant to Articles 2 and 12 of the Burlington Zoning Ordinance, hereby appeal to the Burlington Development Review Board a Notice of Zoning Violation dated December 3, 2020 (attached hereto).

In support of their appeal, appellant states as follows:

- 1) The regulatory provisions which apply to this appeal are contained in the Burlington Zoning Ordinance; the Notice of Zoning Violation fails to state which specific sections of the Ordinance appellants' property is alleged to violate.
- 2) Appellants request that the Notice of Violation be dismissed because the property is not used as an "automobile / salvage yard" as stated in the NOV.
- 3) The use of the property is a pre-existing nonconforming use, and the alleged uses complained of, have, upon information and belief, existed continuously for over 15 years; enforcement is thus prohibited.
- 4) Appellants request that the Board dismiss the Notice of Violation.

Dated at Burlington, Vermont this 15th day of December, 2020.

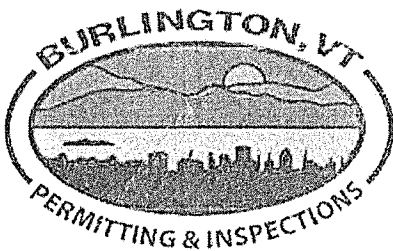
By:

B. P. Hehir
Brian P. Hehir, Esq., for Sisters
and Brothers Investment Group, LLP

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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 (NOV 380795)

December 3, 2020

Mailed Certified Mail 70190140000108390939
And FIRST CLASS MAIL

SISTERS & BROTHERS INVESTMENT
GROUP, LLP
75 SOUTH WINOOSKI AVENUE
BURLINGTON VT 05401

NOTICE OF VIOLATION AT:
110 RIVERSIDE AVENUE, BURLINGTON, VT
TAX LOT #046-3-081-000

Zoning Violation# 380795

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 110 Riverside Avenue.

Description of Violation: Operation of an automobile/vehicle salvage yard without a zoning permit. Occupation without Unified Certificate of Occupancy

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 December 3, 2020, and accompanied by the appropriate fee 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 December 18, 2020**; 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,

Sincerely,

William Ward
Zoning Administrative Officer

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Theodore Miles
Code Compliance Officer

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 046-3-081-000

VIOLATION DETAILS

LOCATION: 110 RIVERSIDE AVENUE

DECISION DATE: December 3, 2020

VIOLATION DESCRIPTION: Operation of an automobile/vehicle salvage yard without a zoning permit. Occupation without a Unified Certificate of Occupancy

FINDINGS: Numerous vehicles, more than three, being stored at property in various stages of repair. Some of the vehicles do not have registration plates on them and some have been in accidents with severe damage. Last permitted use was for car sales and auto repair for 6 vehicles and a lot for selling of 45 vehicles under zoning permit 04-314. Occupying property without obtaining Unified Certificate of Occupancy. There are multiple, six, open zoning permits, Zoning permits 97-274, 97-460, 99-362, 01-318, 04-314 and ZP13-0650CA/MA that are in a Permit Indeterminate status and need to be closed.

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

1) - Removing the violation noted above, **restoring the Premises to its prior permitted state, remove unregistered and inoperable vehicles and informing the Code Enforcement Office that the violation has been removed so our office may verify compliance; or**

2) - **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 December 18, 2020.** 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).*

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