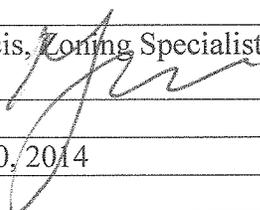


CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
VOICE (802) 863-0442
FAX: (802) 652-4221

TO:	Development Review Board
FROM:	Jeanne Francis, Zoning Specialist, Code Enforcement Office Ken Lerner 
DATE:	May 20, 2014
RE:	ZP 14-0414AP -Appeal of Unsubstantiated Determination of Violation Complaint #254459

LOCATION: 85 Crescent Road TAX LOT #: 058-1-078-000

APPELLANT: Frederick P. Tiballi,
20 Crescent Terrace
Burlington, VT 05401

APPEAL:

Appeal of Administrative Officer decision (through Code Enforcement Office) pertaining to the following:

- (1) Construction without an approved Zoning Permit.
- (2) New business or change of use;
- (3) Change in Number of units (change of use);
- (4) Occupancy without a Zoning Certificate of Occupancy as to boarding house use - 3 rooms;
- (5) Exterior changes without an approved Zoning Permit;
- (6) Site improvements, excavation or fill without an approved Zoning Permit;
- (7) Subdivision without an Approved Zoning Permit;
- (8) Unmet conditions of approval/property inconsistent with approved plans;
- (9) Other change of use or expansion of use without approval.

T.24 VSA §4465/ CDO Article 12 Sec. 12.2.2. An appeal of an administrative officer's decision must be filed with the secretary of the board within fifteen (15) days after the date of decision or act appealed from, and is taken by filing a written notice of appeal with the administrative officer and the DRB (Appeal compliant with Article 12 Sec. 12.2.2).

DESCRIPTION OF PROPERTY:

85 Crescent owned by Sherrill Musty contains a single family home with a 2-room boarding house approved under permit # 09-0419 (Findings of Fact, Attachment D).

Appellant Tiballi resides at 20 Crescent Terrace.

Determination by the City of investigation of complaint under appeal:

(1) Construction without an approved zoning permit

No construction was proposed or necessary for the boarding house use approved on December 17, 2008 under zoning permit 09-419CU at 85 Crescent Road. The permit clearly states:

Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

This action by the DRB was not appealed.

(2) New business (change of use) without an approved Zoning Permit

Zoning permits were issued for a boarding house use at 85 Crescent Road and the necessary certificate of occupancy was obtained. The relevant history is as follows:

- ZP 07-301 for a 3 room boarding house was approved by the Burlington Development Review Board (DRB) with pre-release conditions on November 14, 2006, (Attachment C). The pre-release conditions were met on June 29, 2009 and the permit was picked up on June 29, 2009.
- ZP 09-419CU, approved by the DRB on December 16, 2008, (Attachment D), superseded and amended the number of boarders allowed under ZP 07-301CA by changing the approved 3 room boarding house to a 2 room boarding house. There was no construction included in or required for the approval as noted in #1 above.
- A certificate of occupancy for ZP 09-419 was requested on April 9, 2013. A site visit was conducted on April 11, 2013 to verify that the project complied with its approval. Review of the City's database confirmed that a building permit was not required for this project. Accordingly, a Unified Certificate of Occupancy was issued on May 2, 2013 (Attachment E).
- With respect to parking, three spaces were required; three spaces are provided. The single family home component required 2 parking spaces. The 2-room boarding house required 1 parking space (1 per 2 beds). Each boarding room was identified to contain 1 bed. The existing parking arrangement consisted of a 2-car garage and associated driveway. Two tandem parking spaces (one in the garage and another behind it in the driveway) were counted for the single-family home, and one non-tandem space was counted for the boarding house. The reduction of boarding rooms from 3 to 2 eliminated the need for a 4th parking space. The existing parking configuration was deemed adequate.

(3) Change in number of units (change of use) without an approved zoning permit

Complaint determined unsubstantiated due to approval of ZP 09-419 and associated UCO, see # (2) above.

- (4) Occupancy without a zoning certificate of occupancy as to boarding house use - 3 rooms
Complaint is unsubstantiated. ZP 07-301 was approved for a 3 room boarding house however it was superseded by ZP 09-419 that amended it to a 2 room boarding house. A superseded application does not require a zoning certificate of occupancy and ZP 09-419 that replaced the 3 room approval did receive a certificate of occupancy.
- (5) Exterior changes without an approved zoning permit
Complaint unsubstantiated as no exterior changes were made in connection to the boarding house use. Some construction related work was undertaken in 2010 and after inspection by Code Enforcement determined to be repair work rather than new construction. No zoning permit is required for repair work as per *Section 3.1.2 Zoning Permit Required, (c) Exemptions, 1. and 4.*
- (6) Site improvements, excavation or fill without an approved zoning permit
Complaint unsubstantiated as no such site improvements were made in connection with the boarding house. If the appellant is referring to the issue regarding a retaining wall, that concern presently is pending before the Superior Court, Environmental Division.
- (7) Subdivision without an approved zoning permit
A subdivision permit is not required for the boarding house. Note that the subject property subsequently was subdivided. The subdivision permit, ZP 09-311SD, was issued December 17, 2008, and was closed out with a final certificate of occupancy on July 10, 2009. No appeals were filed. While a complaint regarding a setback in the subdivision was filed, the City's determination of no violation was appealed with the Court dismissing the appeal on July 2, 2012.
- (8) Unmet conditions of approval/property inconsistent with approved plans
Complaint unsubstantiated as Zoning permit 09-419CU for the two room boarding house replaced the 3 room boarding house (ZP07-301). The site was inspected by Code Enforcement staff on April 11, 2013 to verify approvals under the applicable permit were met. A Certificate of Occupancy was issued on May 2, 2013. The CO was not appealed.
- (9) Other change of use or expansion of use without approval
Complaint unsubstantiated, no other change or expansion of use observed by City staff

RELIEF REQUESTED BY APPELLANT:

Appellant request for relief was not entirely clear and based on a review of the submitted statement (Attachment A), the following relief items were gleaned from the request are listed:

- To enforce ZP 07-301CA (the permit approved for 3 boarders subsequently amended to 2 boarders under ZP09-419 as noted above) "pre-release condition" of approval that required revised site plan to scale.
- That the DRB enforce "and that the Owner (Musty) correct "insufficient site plan" and to submit a "Revised Site Plan" to be reviewed thru zoning process, and for compliance with the site plan.

- The administrative officer to provide a more definitive response to complaint allegations.
- That the DRB have the Administrative Officer produce more documents from November 14, 2006 to the present.

CITY's SUBMITTALS:

Attachment A: Appellant's Appeal

Attachment B: Code Enforcement Unsubstantiated Complaint Letter Dated March 12, 2014.

Attachment C: Findings of Fact for ZP#07-301CA November 14, 2006

Attachment D: Findings of Fact for ZP#09-419CU December 17, 2008

Attachment E: Certificate of Occupancy for ZP#09-419CU May 2, 2013.

CONCLUSION:

Despite the appellants 78 page complaint and appeal there is no basis for a determination that a violation exists. It appears that the request to enforce a condition of approval on a zoning permit (07-301CA) that was subsequently superseded (09-419CU) is not necessary as the original permit is no longer in effect.

In addition, the appellant claims to be an interested party. While the City welcomes citizens filing of potential violations, an appeal can only be made by an interested party as defined in the bylaws as follows:

Sec. 12.2.1 Interested Persons

For the purposes of this ordinance, an interested person means any one of the following:

- (a) A person owning title to property affected by a bylaw who alleges that such regulation imposes on such property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;*
- (b) The City of Burlington or any municipality which adjoins the city;*
- (c) A person owning or occupying property in the immediate neighborhood of a property which is the subject of any decision or act taken under the ordinance, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality;*
- (d) Any ten (10) persons owning real property within the city or an adjoining municipality who, by signed petition to the DRB, the plan or bylaw of which is at issue in any appeal brought under this article, allege that any relief requested by a person under this article, if granted, will not be in accord with the policies, purposes or terms of the plan or bylaw of the city. Such a petition must designate one person so serve as a representative of the petitioners regarding all matters related to the appeal;*
- (e) Any department and administrative subdivision of the State of Vermont owning property or any interested therein, the city or an adjoining municipality, and the Vermont Agency of Development and Community Affairs; and,*
- (f) the Burlington Conservation Board.*

The appellant who resides at 20 Crescent Terrace, two properties from the subject site, has not demonstrated a *physical or environmental impact on ... his... interest* that results from the failure

to implement a condition of approval on a zoning permit that has been superseded and thus is no longer valid as it.

RECOMMENDATION:

Dismiss the appeal and uphold the March 12, 2014 written determination that no violation as per the filed complaint exists on property located at 85 Crescent Road.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
MAR 26 2014

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 85 Crescent Road (7,727 SF)

Subject Property Owner: Sherrill N. Musty or AS Trustee

Appellant: Frederick P. Tiballi

Agent/Representative:

Mailing Address: 20 Crescent Terrace

City, St, Zip: Burlington

Day Phone: 658-6863 Email: PAPA.T@Comcast.net

Appellant Signature: [Signature] Date: 3/26/2014

In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- The Appeal fee of \$250;
Description of the decision under appeal;
Description of the property subject to the appeal;
Reference to the regulatory provisions applicable to the appeal;
Relief requested by the appellant;
Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 472 Amount Paid \$250 Zoning Permit # 14-0849AP

RECEIVED
MAR 26 2014

DEPARTMENT OF
PLANNING & ZONING

NOTICE OF APPEAL

TO THE

DEVELOPMENT REVIEW BOARD [DRB]

And the

ADMINISTRATIVE OFFICER

Requesting this DRB enforce the, plain language, common sense pre-release condition, valid and final, directed to the Owner.

You [Owner] have filed an insufficient document (the October 16, 2006 insufficient 1 page Site Plan). Before you [Owner] may use your property, as a boarding house use, [of any size use] you [Owner] must correct the insufficient site plan, by filling a Revised Site Plan; have the Revised Site Plan, reviewed, and follow the remaining zoning processes of the City. If the Revised Site Plan is actually approved, timely in the future; as strictly complying with the required dimensional standards in the property RL zone.

To aid in accomplishing this directed goal The Appellant requests as relief be

granted by the DRB directing and enforcing the following:

1. Directing the administrative officer to file, on or before ten (10) days before the scheduled date for the public hearing on this Appeal, a more definite response to the Complaint's allegations.
2. Enforcing the Certificate of Appropriateness - Zoning Permit 07-301CA, with pre-release conditions, as approved evidenced by Minutes / Findings of Fact, as administratively implemented dated November 14, 2006.

Some relevant parts are set forth below:

III Motion [07-301CA]

" I move that the Board grant certificate of appropriateness approval for a proposed 3-room boarding house in an existing single family home, located at 85 Crescent Road, in the RL zone in accordance with Articles 5 and 10.

1. *Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional Quality and detailed in order*

to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and any changes in grade are to be depicted....

Finally, the access from the new parking spot to the house shall be depicted and described.”

3.To assist in the enforcement of the DRB November 14,2006 prior actions , pursuant to 3 V.S.A Section 810 - Article 2 Sec 2.6.7 the DRB cause to be examined ,as public document(s),:

- a) Any relevant information, concerning 85 Crescent Road Lot , such as, all information ,or documentation which the March 12,2014 response maintains, establishes the Owner has met, complied with , and in fact performed all of the pre-release required conditions of ZP 07-301CA, and when?

(b) Any information or documentation ,contradicting the Final (as in not appealed) positions previously taken by this DRB and prior Administrative Officer positions, in official Zoning Actions related to ZP 07-301CA, such as :

(i) November 5, 2008, (Staff Comments)

ZP-09-311CA/ 09-347VR –

[Subdivision], [VARIANCE]

(ii)November 12, 2008, (Zoning Permit

Application ZP 09-419CU [AMENDMENT]

(iii)November 18, 2008, DRB Minutes and

Findings of Fact; 09-311CA /09-347VR

(iv) December 16,2008 Staff Comments in re ZP

09-311CA Subdivision and DRB Minutes and

Findings of Fact of December 17,2008 09-311CA

relating to the interrelated permits of 85 Crescent

Road such as:

(v) ZP 06-455CA [3 room boarding house

withdrawn or deleted 3/20 or 3/21, 2006 use
withdrawn or deleted]

(vi) ZP 06- 857 CA [Re submitted 3 room
boarding house use June 16, 2006; Certificate of
Appropriateness Denied August 8, 2006

(vii) ZP 06- 857 CA Certificate of
Appropriateness -Parking Waiver denied by DRB
September 24, 2006

(Viii) Application of October 16, 2006- creations
of two onsite parking spaces... [See site Plan 1 page
deemed insufficient by later Staff &DRB Actions.]

(ix) ZP 07-301CA 3 room boarding house use &
1 on- site parking space Certificate of
Appropriateness- Level I. November 14, 2006.

(x) DRB Minutes/Findings of Fact November 14,
2006 ZP 07-301 CA.

(Xi) ZP -COA Level I -Conditions of Approval
ZP 07-301CA

(xii) ZP 0311CA [initial one (1) 6,020 lot carve out –one lot] creation of 6,020 sf –no other “Development” application dated September 30, 2008 [Tabled by DRB November 18, 2008].

(xiii) ZP 09-347 VR filed October 15, 2008- for reduction of front setback from 23’ as proposed to requested 15’ Denied DRB as recommended by Staff November 5 and Denied by DRB November 18, 2008.

(xiv) ZP 09-311CA Re submitted to Staff as 2 –lot subdivision, as of afternoon of December 16, 2008 and public hearing by DRB the same evening, and written decision and findings of fact dated December 17, 2008. 09-311CA [See and Hear Chanel 17 Video and Audio 12/16/2008 Public Hearing.]

(xvi) ZP 09-4119CU December 16,2008 same dates as (xv) above. Amend 3 room proposed use to a 2 room proposed use- [to allow for creation of a new vacant lot where the additional onsite one (1) parking space and access was to have been built to support the proposed as of November 14,2006 3 room boarding house use].

Amendment Granted, as to scope of proposed 3 room to 2 room use- nothing else after the close of public hearing December 16,2008 and written decision of December 17,2008- .ZP09-419CU

3. Pursuant to 3 V.S.A Section 810 & associated Rule 34 request that before the DRB conducts a Public Hearing on this Appeal ; the DRB direct more documentation, information be produced by the Administrative Officer, as Public Documents, information, relating to 85 Crescent Road Lot , for the period November 14,2006 to the present. Documentation of the alleged existence, for review by the DRB, and inspecting and

copying, by Appellant, at the Offices of the Administrative Officer, no later than ten (10) days before the Public Hearing scheduled for this Appeal. The production of Documentation to include any and all tangible evidence representing any, if any so exists, of a as required by the Paragraph 2 hereof described November 14, 2006 DRB action in re ZP 07-301CA.

4. The grounds why the requested relief as set forth above and in the signed written Complaint is believed proper under the circumstances:

a). The request for more definite response to the actual Complaint Allegation is justified because substance as opposed to general denials is an end product of justice and this information and documentation will likely lead to more expedited proceeding over all, consistent with a full and fair determination of a one of the main predicate issues and an orderly disposition of this matter pursuant to Rule 2 (2) (A) in the nature of required pre-filed Evidence allowed, increasing the possible expedited over all resolutions of a main issue and in fairness to the interest of the

Parties. The required pre filed evidence as requested is also justified because of (b) the November 5,2013 testimony on behalf of the Administrative Officer and the property Owner Sherrill N Musty and specifically the Administrative Officers position as stated by Code Enforcement , citing of the “ complex”, nature of the Complaint, as a reason for over 120 days between receipt – investigation and administrative determination of the Complaint represented by the e mail March 12,2014 as the sole filed response. The Content, as filed overlooks, or does not address even the short summary of Violations – (pages 65-67 of Complaint Allegations) of the Owners numerous daily Violations.

5. This appeal is taken, timely within 15 days of the date of said act(s) and Decision, of the Administrative Officer, through Code Enforcement Office of March 12, 2014. An Administrative Decision in which the “determination decision” as written maintains Owner has met all of the pre- release conditions of the November 14, 2006 zoning Permit 07-301 CA on 85 Crescent Road Lot.

6. As alleged in the Complaint which is hereby restated under oath that upon information and belief, after reasonable due diligent inquiry made by Appellant; Appellant states there is no competent documentary evidence, in the Public Files of P&Z, or the DRB, of any such "revised site plan" [as referenced in ZP 07-301CA herein ; having being filed, reviewed or approved, between November 14, 2006 and March 12, 2014 .

No competent documentary evidence of any revision of Site Plan on 85 Crescent Road revising the original insufficient site plan of October 16, 2006 in re ZP 07-301CA .

7. This relief is proper because the records of P&Z do not disclose that the Owner possesses a Valid and Final Zoning Permit, with which the remaining pre- release conditions have been complied with by Owner. Any self-serving Unified Certificate of Occupancy and assertions of the March 12, 2014 response notwithstanding.

8. The allegations of violations, of Ordinance are daily violations over an extended period of time, alleged to have occurred before the November 14, 2006 DRB Motion to Grant a Certificate of Appropriateness with Pre Release Conditions of ZP 07-301CA – have not been responded to at all as

of March 12, 2014.

9 Zoning Permit 09-4119CU actions of this DRB amended ZP 07-301CA, as of December 17, 2008. Amending the scope of the proposed authorized use [with conditions] use from 3 room proposed use to 2 room proposed use - Boarding House Use pursuant to a Certificate of Appropriateness with conditions . The only conditions changed or removed being the scope of proposed use reducing from a proposed 3 room use to a two room proposed use . A second change implied was that the condition of November 14, 2006 ZP 07-301CA that the Owner obtain a Final Zoning Certificate of Occupancy for the “Work” consisting of constructing a single additional 1 on-site parking space , was either impliedly waived or eliminated by implication when the proposed scope of use was reduced.

10. Up to December 17, 2008 - No Boarding House Use —, as reflected in the several Findings of Fact and Staff comments above; boarding house actual 3 room Use, with or without a Valid and Final Zoning Permit, the 3 room “USE” has never had the availability of sufficient onsite parking for 3 room, continuing use as a boarding house use June 1995 through December 17, 2008.

11. Even following Code Enforcement opinion unsubstantiated opinion

that all of the pre-release conditions of ZP 07-301CA of November 14,2006 were complied with as of June 29,2009 , such performance, even if true (which it is not), would NOT CURE any Violations which occurred , on a daily basis prior in time. And all daily violations are enforceable for an ordinance period of fifteen (15) Years.

The same result applying to the effect of the non- Administrative Officer acting under Article 3 Sec 3.2.11 non zoning Certificate of Occupancy of May 13, 2013., does not have the power of repose; Nor to cure.

12. By this DRB upholding the DRB's own Finding of Fact as provided by Ordinance - upholding the mandated requirement that the Owner file a "Revised" professional quality site plan" before a final DRB evaluations of the proposal to actually use any portion, as a proposed boarding house use; is a recognized public policy way of bringing and maintaining more integrity to the overall zoning process. Such actual and literal enforcement is supported and expressed by Title 24 V.S.A Chapter 117. Such enhanced integrity by interpreting and implementing strictly and enforcing pursuant to Article 12 Sec.12.0.1 and its proscription of strict interpretation of dimensional standards of the Ordinances:

"...no DRB may amend, alter, invalidate or affect any development plan or bylaw or the implementation or enforcement thereof, or allow any use not permitted by any zoning regulations or other bylaw".

Enforcing a plain language common sense pre-release condition made to the Owner. You have filed an insufficient document (the October 16, 2006 insufficient Site Plan). Before you [Owner] may use your property as a boarding house use [of any size use] you [Owner] must correct the insufficient site plan, have the “Revised” site plan reviewed, following the requirements of the zoning processes of the City; have the Revised Site Plan actually approved as strictly complying with the required dimensional standards of the property in the RL zone of the City of Burlington. NOTE this DRB and Staff over the years has made numerous written ADMONITIONS: to Owner:

(i) “Section 5.2 Dimensional Regulations:”

Page 2 of 3 “Setbacks:” Line 2 and 7-8 DRB November 14, 2006
Line 2... “*However, the site plan does not include a scale” ...*

(ii) Line 7-8 “*A scale and the footprints of adjacent homes along Crescent Terrace must be provided on the site plan in order to verify that dimensional requirements have been met. (Affirmative as conditioned finding)” and*

(iii) “*Lot Coverage: The subject lot is 15,000 sf and currently is*

about 24% covered.” [24% of 15,000 sf in area = 3,600 sf of Lot Coverage expressed as an ordinance percentage of Lot Area.

(iv)Line 3 “*As with setbacks, a scale must be provided in order to verify that lot coverage requirements have been complied with.* (Affirmative as conditioned finding”) [Regardless of size or scope of 3 room or 2 room boarding house Use. It is the boarding house proposed use which requires a revised site plan on issues such as lot Coverage and Setbacks – with or without an additional parking space.

(v)Article 10: Parking”

Line 10 “... “;*however, the plans as submitted are not to scale or sufficient to make a determination and must be revised to be clear, detailed. And to scale.* (Affirmative as conditioned finding)”

[Note the original Site Plan, which by the terms of the Finding of Fact FOUND must be revised; and the revision submitted as professional quality, reviewed and approved. The DRB findings of Fact having determined the

original site plan as submitted was “NOT TO SCALE NOR SUFFICIENT”, a copy of which is on file at P&Z as a 1 page OCTOBER 16,2006 Stamped received P&Z] , showing a 15,000 sf lot, not to scale per “Findings of Fact” , “without setbacks” and “insufficient data for determination of “Lot Coverage” and Setbacks – both required Dimensional Standards Regulations.

13 ZP 09-419CU of December 17,2008 amending a proposed 3 room scope of use to a 2 room proposed scope of use for the Owners altered self-benefit did not change or satisfy Pre -Release conditions of a professional quality Site Plan nor the Findings of Fact Conditions concerning issues of setbacks and lot coverage existing since 2006, and still unresolved in 2013 and 2014, Unresolved because of other changes in circumstances, caused entirely by Owner.

The same basic issues of Setbacks and Lot Coverage on the 85 Crescent Road Lot are still not resolved, nor does the DRB, nor P&Z have the data as to what is in fact on 85 Crescent Road Lot , as of date.

14. WHAT P&Z and the DRB does have is credible allegations under oath of this signed Notice of Appeal incorporating the 78 page Complaint.

15. Since November 27, 2013, the location of the Red Rock Retaining Wall has been established by Civil Engineering Inc. of Shelburne Vermont. CEA professional location has verified, the testimony, prior testimony, under oath before the DRB of Alex Rose and the Appellant of November 5, 2013 - "that a large red rock retaining wall is in fact located on 85 Crescent Road lot". Located to the East [uphill] shown as off the SP-1 Site Plan of Lot 62 Crescent Terrace, and East of the Eastern Boundary Property Line, of Lot 62 Crescent Terrace.

16. The Location of the Red Rock Retaining Wall ,as an allegation on 85 Crescent Road ,without a prior Zoning Permit nor a Building Permit ; has also subsequently to the November 27,2013 date, been appealed to the Environmental Division of the Superior Court. Docket No 170 12-13 Vtec.

17. Six relevant things which have changed on 85 Crescent Road Lot since November 14,2006, to March 12,2014 as to 85 Crescent Road Lot , are:

- (1) The 2013 addition of, at least 70' in length, of red rock retaining wall, [existing for approximate 230 days.]

- (2) The substantial reduction in size of 85 Crescent Road Lot from 15,000 sf, in area, as of November 14, 2006 to 7,727 sf in area, as of March 12, 2014.
- (3) Over 2,600 days of having an existing boarding house use of at least 2 rooms or more on 85 Crescent Road Lot without a prior Valid and Final Zoning Permit for any Boarding House Use.
- (4) Over 2,554 days of 3 room boarding house use, with insufficient on-site parking -authorized with actual permit or not authorized and available.
- (5) Over 2,070 days of Lot Coverage in excess of 38.50% of the Lot Area of 85 Crescent Road expressed as a percentage of Lot Area $38.50\% \times 7,727 \text{ sf} = 2,975 \text{ sf}$ of lot coverage being 38.50% of 7,727Sf of Area
- (6) Footprint of existing house foundation footprint, measured at grade, encroachment into the northern required area side setback pursuant to ordinance of Ten (10') in width. , of over 2,070days of violations.

[A total of listed violation days of over 9,500 violations days, even at ten (\$10.00) dollars per Day potential violation days fines of Ninety Five Thousand Dollars (\$95,000.00)].

18. Enforcement, actions by the Administrative Officer as well as by the DRB by Ordinance are not discretionary. Pursuant to Article 1 § 1.1.7 "Use" "Occupancy" of a building or land relates to anything and everything that can be done or; that is done to, on or in a building or land" and all must be Ordinance Compliant. See: Powers and Duties of Article 2 §2.3. 3 and specifically the duty to literally, without power to permit any land development that is not in conformance with this Ordinance. TO ENFORCE Ordinance as WRITTEN.

19. The undersigned Interested Person, Frederick Tiballi, of 20 Crescent Terrace , Burlington Vermont 05401, , Appellant hereby files this written Notice of Appeal from the March 12, 2014 , date of decision , of Zoning Determination Decision of the Administrative Officer . In re: Zoning Complaint 267249 and or act or acts of said Administrative Officer ; as any final order or decision of the Administrative Officer as to Zoning Violations as stated and referenced on the Zoning Enforcement Complaint Form as signed and dated November 26, 2013 by the

Interested Person (Appellant) and the written and signed Complaint, also signed and dated by the Interested Person ,(Appellant) dated November 26, 2013 pursuant to Article 2, Sec 2.7.5; Article 2 , Sec 2.7.6.

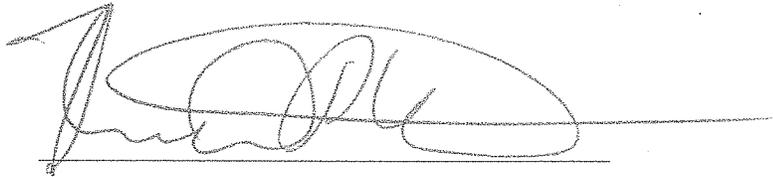
The determination decision being appealed is the March 12, 2014 decision of Ken Lerner, upon information and belief, the Chief Assistant Administrative Officer and Assistant Director of Planning and Zoning Department acting through his agent the Code Enforcement Office, by Zoning Specialist Jeanne Francis, which Decision and or act or acts of March 12, 2014 are stated in the attached Determination Decision was made a part hereof.

20. The Property in Question is known as 85 Crescent Road Burlington Vermont 05401 and the regulatory provisions applicable to this appeal are Article 2 Sec 2.7.11 and Article 12

Sec 12.2.2 and as cited herein as well as the Constitution of the State of Vermont, and the Constitution of the United States of America and its amendments.

Respectfully Submitted Dated March 26, 2014

BY:

A handwritten signature in black ink, appearing to read 'Frederick Tiballi', written over a horizontal line. The signature is stylized and cursive.

Frederick Tiballi

Interested Person

20 Crescent Terrace, Burlington VT 05401

Papa @comcast.net

AFFIDAVITT

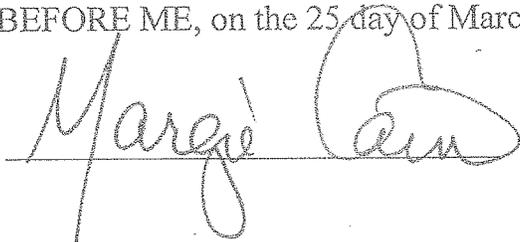
The State of Vermont, County of Chittenden)

I, Frederick P. Tiballi of 20 Crescent Terrace, Burlington Vermont,
MAKE OATH AND SAY THAT based on a reasonable due diligent
inquiry and review of the public records of the DRB and Planning &

Zoning Department, and in good faith to the best of the Appellants knowledge based upon on the above in good faith reasonable due diligent inquiry and review of the public records of the DRB and Planning & Zoning Department, that the statements made herein are true.

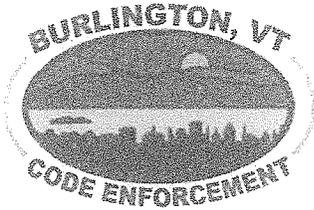
SUBSCRIBED AND SWORN TO

BEFORE ME, on the 25 day of March 2014



NOTARY PUBLIC

My Commission expires 2/10/15



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
VOICE (802) 863-0442
FAX: (802) 652-4221

March 12, 2014

FREDERICK TIBALLI
20 CRESCENT TERRACE
BURLINGTON, VT 05401

RE: Zoning Complaint # (267249)
85 Crescent Road, Burlington, VT

Dear MR. TIBALLI:

The Code Enforcement Office has reviewed the nine (9) itemized zoning violation complaints at the above-referenced property that you submitted. Specifically, the following complaints were investigated:

- (1) Construction without an approved zoning permit;
- (2) New business (change of use) without an approved Zoning Permit;
- (3) Change in number of units (change of use) without an approved zoning permit;
- (4) Occupancy without a zoning certificate of occupancy as to boarding house use - 3 rooms;
- (5) Exterior changes without an approved zoning permit;
- (6) Site improvements, excavation or fill without an approved zoning permit;
- (7) Subdivision without an approved zoning permit;
- (8) Unmet conditions of approval/property inconsistent with approved plans; and
- (9) Other change of use or expansion of use without approval, all in violation of the Burlington Comprehensive Development Ordinance.

Upon investigation, based on currently available information, it is the determination of Code Enforcement that currently there are no enforceable zoning violations relative to these complaints, and thus the complaints are unsubstantiated for the following reasons:

- (1) Construction without an approved zoning permit

No construction was proposed or necessary for the boarding house use approved under zoning permit 09-419CU at 85 Crescent Road.

- (2) New business (change of use) without an approved Zoning Permit

Zoning permits were issued for a boarding house at 85 Crescent Road and the necessary certificate of occupancy was obtained. The relevant history is as follows:

- ZP 07-301 for a 3 room boarding house was approved by the Burlington Development Review Board (DRB) with pre-release conditions on November 14, 2006. The pre-release conditions were met on June 29, 2009 and the permit was picked up on June 29, 2009.

- ZP 09-419, approved by the DRB on December 16, 2008, superseded and amended ZP 07-301 by changing the approved 3 room boarding house to a 2 room boarding house. There was no construction included in or required for the approval.
- A certificate of occupancy for ZP 09-419 was requested on April 9, 2013. A site visit was conducted on April 11, 2013 to verify that the project complied with its approval. Review of the City's database confirmed that a building permit was not required for this project. Accordingly, a Unified Certificate of Occupancy was issued on May 2, 2013.

With respect to parking, three spaces were required; three spaces are provided. The single family home component required 2 parking spaces. The 2-room boarding house required 1 parking space (1 per 2 beds). Each boarding room was identified to contain 1 bed. The existing parking arrangement consisted of a 2-car garage and associated driveway. Two tandem parking spaces (one in the garage and another behind it in the driveway) were counted for the single-family home, and one non-tandem space was counted for the boarding house. The reduction of boarding rooms from 3 to 2 eliminated the need for a 4th parking space. The existing parking configuration was deemed adequate.

(3) Change in number of units (change of use) without an approved zoning permit

Complaint unsubstantiated due to approval of ZP 09-419 and associated UCO, see #2 above.

(4) Occupancy without a zoning certificate of occupancy as to boarding house use - 3 rooms

Complaint unsubstantiated. ZP 07-301 was approved for a 3 room boarding house and superseded by ZP 09-419 that amended it to a 2 room boarding house. A superseded application does not require a zoning certificate of occupancy and ZP 09-419 did receive a certificate of occupancy.

(5) Exterior changes without an approved zoning permit

Complaint unsubstantiated as no exterior changes were made in connection to the boarding house. Some repair work was undertaken in 2010 and after inspection by Code Enforcement determined to be repair work rather than new construction. No zoning permit is required for repair work.

(6) Site improvements, excavation or fill without an approved zoning permit

Complaint unsubstantiated as no such site improvements were made in connection with the boarding house.

(7) Subdivision without an approved zoning permit

A subdivision permit was not required for the boarding house. Note that the subject property was subsequently subdivided and a permit was issued, appealed and upheld for the subdivision.

(8) Unmet conditions of approval/property inconsistent with approved plans

Complaint unsubstantiated as Zoning permit 09-419 for the two room boarding house received a site inspection by Code Enforcement staff to verify approvals were met. A Certificate of Occupancy was issued on May 2, 2013.

(9) Other change of use or expansion of use without approval

Complaint unsubstantiated, no other change or expansion of use has been observed.

If you obtain any additional information regarding this complaint or new information comes to our attention in the future, this determination may be re-evaluated.

A decision by the Zoning Enforcement Officer pertaining to an alleged zoning violation may be appealed to the Burlington Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the Burlington Comprehensive Development Ordinance provided that the appeal is filed within fifteen (15) days of the Zoning Enforcement Officer's decision March 27, 2014. An appeal must be accompanied by the appropriate fee in accordance with Article 3.2.4 (a) of the ordinance. The fee and a completed application form must be filed with the City's Department of Planning and Zoning. For more information regarding an appeal please contact Planning and Zoning at 865-7188. Your appeal may not be considered valid if the complete application and fee are not received within the 15 days.

Please feel free to contact our office at (802) 863-0442 if you have any questions or concerns.

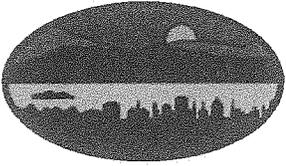
Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Francis", written in a cursive style.

Jeanne Francis
Zoning Specialist



Zoning Permit - COA Level I – Findings of Fact



City of
Burlington, Vermont
149 Church Street

ZP #: 07-301CA

Tax ID: 058-1-078-000

Issue Date: November 14, 2006

Decision: Approved w/ Pre-Release
Condit

Property Address: 85 CRESCENT ROAD

Description: Establish 3-room boarding house and construct 1 additional parking space.

Burlington Development Review Board

**Minutes/Findings of Fact
November 14, 2006**

In RE: 07-301CA; 85 Crescent Rd. (Ward 6, RL) (Tax Lot No. 058-1-078-000)

Owner/Applicant: Sherrill Musty

Request: Certificate of appropriateness review of proposed 3-room boarding house in existing single family home.

Members Present:

- Austin Hart
- Glenn Jarrett
- Michael Long
- Eleanor Briggs Kenworthy
- Jonathan Stevens
- Kevin Worden
- Paul Henninge

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval for an existing, but un-permitted, boarding house use in her home. A similar permit request was reviewed and denied by the Development Review Board on August 8, 2006. The application was denied due to a lack of parking for the boarding house. This new application is for the same 3-room boarding house but also includes construction of 1 additional parking space. The new parking space will be constructed behind the house with access onto Crescent Terrace.

Previous zoning actions for this property are listed below.

- 8/8/06, Denial of 3-room boarding house
- 6/21/06, Application for 3-room boarding house withdrawn
- 6/20/95, Incomplete permit application for boarding house use returned to applicant

Article 5: Use, Density, and Dimensional Requirements

Section 5.1.4 Permitted Uses: A boarding house for 4 people or less is a permitted use in the RL zone, wherein the subject property is located, as long as it is owner-occupied. The 3 room boarding house is owner-occupied and complies with these stipulations. **(Affirmative finding)**

Section 5.3 Dimensional Regulations:

Setbacks: The proposed parking spot appears to comply with the required 5' side yard setbacks; however, the site plan does not include a scale. The proposed parking spot also appears to be set back far enough from the Crescent Terrace property line to avoid front yard parking. The 9' X 20' spot is set back 25' from that boundary line. This 25' distance is apparently the front yard set back distance of the neighboring home. The new parking spot must be set back a distance equal to that of the building line on adjacent lots, or up to twice the front yard setback required in Article 5 (i.e. 15'). A scale and the footprints of adjacent homes along Crescent Terrace must be provided on the site plan in order to verify that dimensional requirements have been met. **(Affirmative as conditioned finding)**

Height: Building height remains unchanged in this proposal. **(Not applicable)**

Lot Coverage: The subject lot is 15,000 sf and currently is about 24% covered. The proposed parking spot will increase coverage to about 27%. This amount is less than the maximum permissible 35% in the RL zone. As with setbacks, a scale must be provided in order to verify that lot coverage requirements have been complied with. **(Affirmative finding as conditioned)**

Article 10: Parking

The applicant has indicated that each bedroom associated with the boarding house (3 bedrooms) contains 1 bed. The parking requirement for the boarding house (1 space per 2 beds) would be 1.5 (round up to 2) spaces. In addition, the parking requirement for the single family home use is 2 spaces. The total parking requirement for the property is 4 spaces. The existing parking arrangement consists of a 2-car garage and associated driveway. Two tandem spaces can be counted for the single family home, and one can be counted for the boarding house. One additional space is needed, and it cannot be tandem. Therefore, the applicant proposes to construct one additional parking space to be accessed from Crescent Terrace. Doing so increases the total available parking to 4 spaces. As noted above, it appears that the additional parking space can be constructed in compliance with dimensional requirements; however, the plans as submitted are not to scale or sufficient to make a determination and must be revised to be clear, detailed, and to scale. **(Affirmative finding as conditioned)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Glenn Jarrett

I move that the Board grant certificate of appropriateness approval for a proposed 3-room boarding house in an existing single family home, located at 85 Crescent Road in the RL zone in accordance with Articles 5 and 10.

1. Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional quality and detailed in order to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and any changes in grade are to be depicted. Furthermore, all existing trees of more than 2" caliper shall be depicted and noted if they are to be removed. Finally, the access from the new parking spot to the house shall be depicted and described.
2. The proposed parking space shall be paved (asphalt, concrete or similar), and one (1) boarder shall be required to use the new parking space (as opposed to parking on-street).
3. The applicant shall provide a current minimum housing inspection report from the Code Enforcement Office.

Seconded: Michael Long

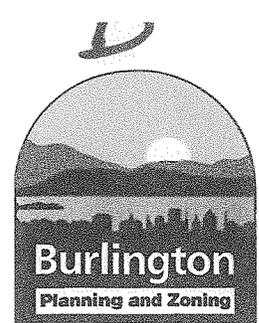
Vote: 7-0-0, motion carried

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

Michael La Place, AICP, Director
Ken Lerner, Assistant Director
David White, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, Senior Planner
Mary O'Neil, Associate Planner
Kathy Parrott, Zoning Clerk
Elsie Tilloison, Department Secretary



Burlington Development Review Board

Minutes/Findings of Fact
November 14, 2006

In RE: 07-301CA; 85 Crescent Rd. (Ward 6, RL) (Tax Lot No. 058-1-078-000)

Owner/Applicant: Sherrill Musty

Request: Certificate of appropriateness review of proposed 3-room boarding house in existing single family home.

Members Present:

Austin Hart
Glenn Jarrett
Michael Long
Eleanor Briggs Kenworthy
Jonathan Stevens
Kevin Worden
Paul Henninge

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval for an existing, but un-permitted, boarding house use in her home. A similar permit request was reviewed and denied by the Development Review Board on August 8, 2006. The application was denied due to a lack of parking for the boarding house. This new application is for the same 3-room boarding house but also includes construction of 1 additional parking space. The new parking space will be constructed behind the house with access onto Crescent Terrace.

Previous zoning actions for this property are listed below.

- 8/8/06, Denial of 3-room boarding house
- 6/21/06, Application for 3-room boarding house withdrawn
- 6/20/95, Incomplete permit application for boarding house use returned to applicant

Article 5: Use, Density, and Dimensional Requirements

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Section 5.3 Dimensional Regulations:

Setbacks: The proposed parking spot appears to comply with the required 5’ side yard setbacks; however, the site plan does not include a scale. The proposed parking spot also appears to be set back far enough from the Crescent Terrace property line to avoid front yard parking. The 9’ X 20’ spot is set back 25’ from that boundary line. This 25’ distance is apparently the front yard set back distance of the neighboring home. The new parking spot must be set back a distance equal to that of the building line on adjacent lots, or up to twice the front yard setback required in Article 5 (i.e. 15’). A scale and the footprints of adjacent homes along Crescent Terrace must be provided on the site plan in order to verify that dimensional requirements have been met. **(Affirmative as conditioned finding)**

Height: Building height remains unchanged in this proposal. **(Not applicable)**

Lot Coverage: The subject lot is 15,000 sf and currently is about 24% covered. The proposed parking spot will increase coverage to about 27%. This amount is less than the maximum permissible 35% in the RL zone. As with setbacks, a scale must be provided in order to verify that lot coverage requirements have been complied with. **(Affirmative finding as conditioned)**

Article 10: Parking

The applicant has indicated that each bedroom associated with the boarding house (3 bedrooms) contains 1 bed. The parking requirement for the boarding house (1 space per 2 beds) would be 1.5 (round up to 2) spaces. In addition, the parking requirement for the single family home use is 2 spaces. The total parking requirement for the property is 4 spaces. The existing parking arrangement consists of a 2-car garage and associated driveway. Two tandem spaces can be counted for the single family home, and one can be counted for the boarding house. One additional space is needed, and it cannot be tandem. Therefore, the applicant proposes to construct one additional parking space to be accessed from Crescent Terrace. Doing so increases the total available parking to 4 spaces. As noted above, it appears that the additional parking space can be constructed in compliance with dimensional requirements; however, the plans as submitted are not to scale or sufficient to make a determination and must be revised to be clear, detailed, and to scale. **(Affirmative finding as conditioned)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Glenn Jarrett

I move that the Board grant certificate of appropriateness approval for a proposed 3-room boarding house in an existing single family home, located at 85 Crescent Road in the RL zone in accordance with Articles 5 and 10.

1. Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional quality and detailed in order to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and

any changes in grade are to be depicted. Furthermore, all existing trees of more than 2” caliper shall be depicted and noted if they are to be removed. Finally, the access from the new parking spot to the house shall be depicted and described.

2. The proposed parking space shall be paved (asphalt, concrete or similar), and one (1) boarder shall be required to use the new parking space (as opposed to parking on-street).
3. The applicant shall provide a current minimum housing inspection report from the Code Enforcement Office.

Seconded: Michael Long

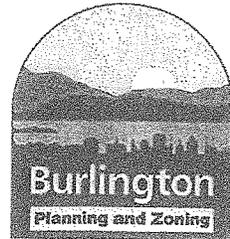
Vote: 7-0-0, motion carried

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board’s decision.

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Mary O'Neil, Associate Planner
Vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Development Review Board

Minutes/Findings of Fact
December 17, 2008

In RE: 09-419CU; 85 Crescent Rd. (Ward 6, RL) (Tax Lot No. 058-1-078-000)

Owner/Applicant: Sherrill N. Musty

Request: Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

Members Present:

Eric Miller
Glenn Jarrett
Eleanor Briggs Kenworthy
Kevin Worden
Brad Rabinowitz
Paul Henninge

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking conditional use approval to change a previously approved 3-room boarding house to a 2-room boarding house. No construction is included in this proposal. Since the 3-room boarding house was approved, boarding houses have become a conditional use in the RL zone under the Comprehensive Development Ordinance. As a result, the proposed change requires conditional use review and approval.

Previous zoning actions for this property are noted below.

- 11/18/08, Denial of front yard setback variance
- 11/14/06, Approval of 3-room boarding house (permit not yet released)
- 8/8/06, Denial of 3-room boarding house
- 6/21/06, Application for 3-room boarding house withdrawn
- 6/20/95, Incomplete permit application for boarding house use returned to applicant

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) *The capacity of existing or planned community facilities;*

Reduction from 3 rooms to 2 will lessen the potential impacts of the boarding house on community facilities. Note that the boarding house has already been established as 2 rooms, rather than as the permitted 3 rooms. Actual impacts on community facilities will remain unchanged. **(Affirmative finding)**

(2) The character of the area affected;

The subject property is located in the RL zone within a neighborhood of single family homes. No site or building changes are included in this proposal. The 2-room boarding house results in a residence that is occupied by 3 adults; the owner and 2 boarders. There is no exterior evidence of the boarding house, and the number of occupants is similar to a typical single family home. As such, the 2-room boarding house fits into the character of the area. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided, but as noted above, the number of occupants is similar to a typical single family home. Traffic generation is not expected to be any different than that generated by a single family home with several driving age residents. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the 2-room boarding house complies with all applicable zoning bylaws. It is the applicant's responsibility to comply with all applicable building codes. **(Affirmative finding as conditioned)**

(5) Utilization of renewable energy resources;

No information has been provided with respect to the use of alternative energies. As no site or exterior building changes are proposed, the proposed use will not unreasonably deter the actual or potential use renewable energies by the subject or neighboring properties. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The proposed use is low impact in nature, and the requested change represents a reduction in intensity of the boarding house use from 3 rooms to 2. **(Affirmative finding)**

(7) Functional family;

Only 3 unrelated adults will occupy the home. **(Not applicable)**

(8) Vehicular access points;

The home is served by an existing driveway that provides sufficient access. No changes are proposed. **(Affirmative finding)**

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

Given the minimal impacts of the proposed use, mitigation measures to offset noise and glare are not necessary. **(Affirmative finding)**

(11) Time limits for construction;

No construction is included. **(Not applicable)**

(12) Hours of operation and construction;

The boarding house will serve as a residence for 2 boarders in addition to the owner occupant. Hours of operation will be all day, every day. **(Affirmative finding)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the boarding house will require additional permit review per the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

As no site or exterior building changes are proposed, the project does not warrant the consideration of performance standards such as nuisances, lighting, and erosion control. **(Affirmative finding)**

(15) Conditions and safeguards;

As conditioned, the proposed boarding house complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The single family home component requires 2 parking spaces. The 2-room boarding house requires 1 parking space (1 per 2 beds). Each boarding room will contain 1 bed. The existing parking arrangement consists of a 2-car garage and associated driveway. Two tandem spaces can be counted for the single family home, and one can be counted for the boarding house. The reduction of boarding rooms from 3 to 2 eliminates the need for a 4th parking space. The existing parking configuration is adequate.

No bicycle parking is depicted or required for the 2-room boarding house. **(Affirmative finding)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Eric Miller

I move that the Board grant conditional use approval to amend zoning permit 07-301CA for a change from an approved 3-room boarding house to a 2-room boarding house (no construction included), located at 85 Crescent Road in the RL zone in accordance with Articles 4 and 8.

Approval of the subdivision is subject to the following conditions:

1. The applicant shall provide a current minimum housing inspection report from the Code Enforcement Office.
2. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
3. Standard conditions 1-18.

Seconded: Eleanor Briggs Kenworthy

Vote: 6-0-0, motion carried

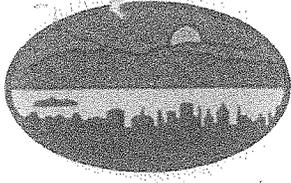
Dated at Burlington, VT, this 17th day of December, 2008.

Respectfully Submitted,



Eric Miller, Development Review Board Vice Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.



Unified Certificate of Occupancy

Tax ID: 058-1-078-000

85 CRESCENT ROAD

Maximum Occupant Load: NA

City of Burlington, Vermont

Project Description:

Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

Issued:

May 2, 2013

Owner of Record: Sherril N. Musty Trust
85 Crescent Road
Burlington, VT 05401

RECEIVED
MAY 06 2013

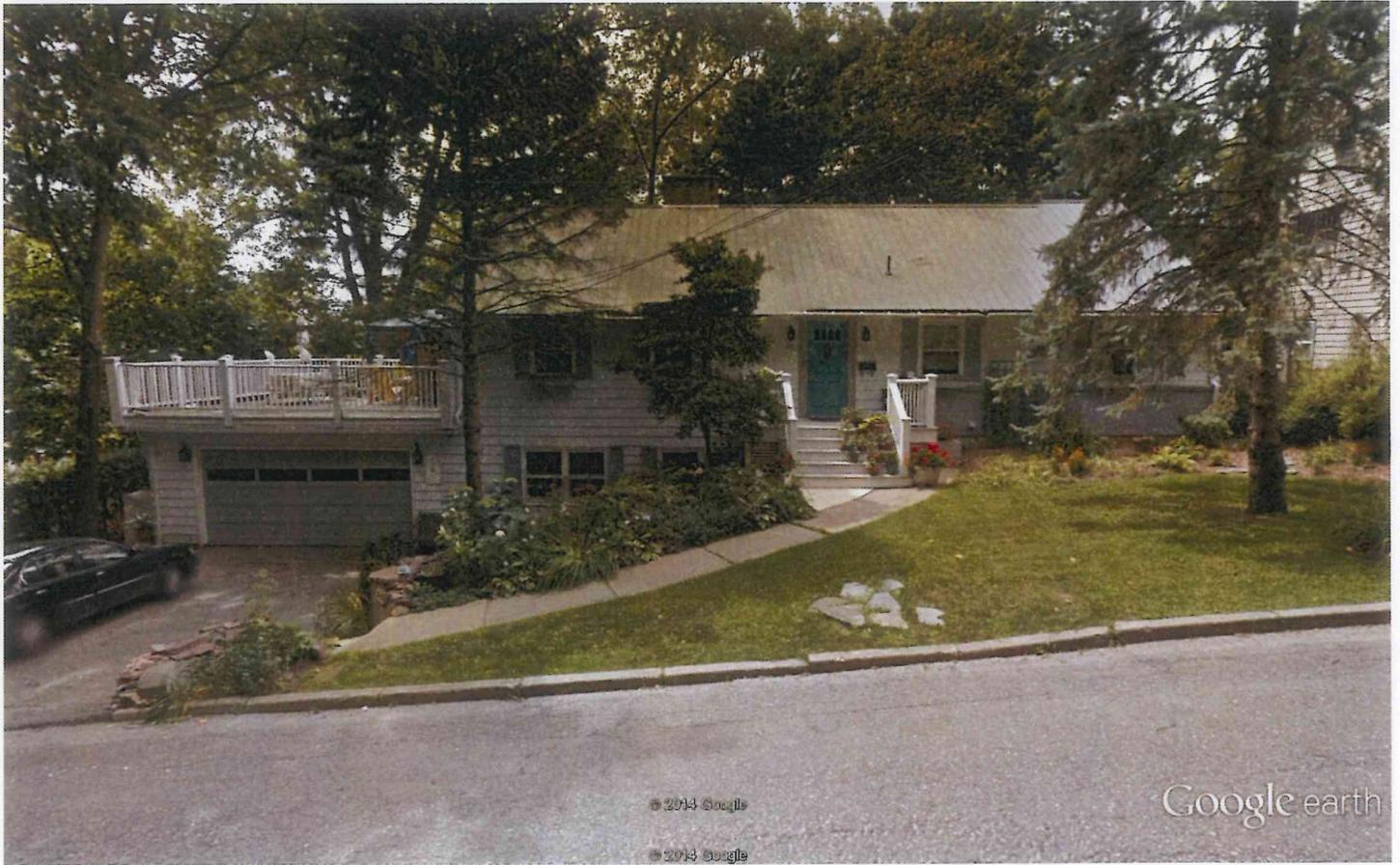
DEPARTMENT OF PLANNING & ZONING

<u>FolderRSN</u>	<u>Permit Info</u>	<u>Permit Issued</u>	<u>Permit Description</u>
247851	Building Permit 2013 167674 00000 BP 85 CRESCENT ROAD	Not Applicable	Building Permit was not required for what is in the description on the attached Zoning Permit respective to Chapter 8 of the Burlington Code of Ordinance sect 8-28(d) or as approved and noted by the City of Burlington Building
175371	Zoning Permit - Cond Use, Variance 09-419CU 85 CRESCENT ROAD	Dec 17 2008	Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

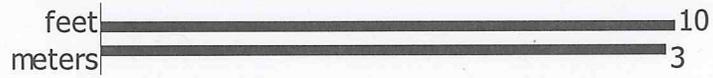
This Certificate of Occupancy for 85 Crescent Road was issued on May 2, 2013 by the City of Burlington, Vermont, for the Zoning permit and Building permit listed above.

Jeanne Francis, Zoning Compliance Officer

Ned H. Holt, City Building Official



Google earth



85 CRESCENT RD