

September 23, 2019

Burlington Development Review Board
149 Church Street
Burlington Vermont, 05401
C/o The Burlington zoning office.

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SEP 23 2019

**DEPARTMENT OF
PLANNING & ZONING**

Re: Appeal of the Code Enforcement Office September 9, 2019 decision that a zoning violation exists at 38 Greene Street. See attached.

Dear Development Review Board,

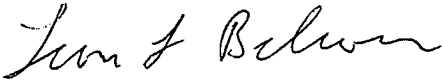
- Description of the property subject to the appeal: A single family dwelling or a single non-family dwelling containing 7 bedrooms, 2 bathrooms, kitchen, living room, full basement, situated on a .043 acre lot.
- On October 16, 1999, the Burlington City Council amended the not more than four unrelated adult zoning ordinance to Section 3.1.4, Residential Districts Established, Subsections a and b of the then Burlington Zoning Ordinance. See attached Zone Amendment document the Burlington City Council approved on October 16, 1999.
- On April 17, 1962 the City Planning Commission, on May 22, 1962 the Burlington City Council (Board of Alderman) and then on March 3rd, 1964 the Burlington Legal Voters adopted the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract which established residential neighborhood zoning districts as places in which to live, raise a family or do business. See highlighted language in the first paragraph of page 9 of the attached 1961 Comprehensive Plan Report for the future development of the City of Burlington contract and additional exhibits.
- Since the Burlington City Council unilaterally amended the not more than four unrelated adult zoning ordinance on October 16, 1999 to the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract without the approval of the City Planning Commission and the Burlington Legal Voters, Appellant alleges the City of Burlington does not have the legal authority to enforce the not more than four unrelated adult zoning ordinance and that it is unenforceable.
- Appellant seeks relief in the form of a determination by the Burlington Development Review Board that the not more than four unrelated adult zoning ordinance is unenforceable.

- Appellant request that Burlington Development Review Board have the Code Enforcement Office provide to Appellant all evidence it has which supports it's allegation that in May of 2019, the 7 persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit.

- If the evidence provided to Appellant supports the allegation that in May of 2019, the 7 Persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit, Appellant request that the Burlington Development Review Board define the 7 persons occupying the dwelling unit there as a non-family and define the dwelling unit there as a Single "Non-Family" Dwelling. Then Appellant can provide a complete and accurate description of the property subject to the appeal as required by Appellant's Appeal of the Administrative Decision Request form dated September 23rd,2019. See attached.

Also, I will be out of the Country from December 7, 2019 – January 15, 2020.

Sincerely,



Leon Beliveau
1166 Main Street
Fairfax Vermont, 05454
802-238-0922

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DEPARTMENT OF
PLANNING & ZONING



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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

DEPARTMENT OF
PLANNING & ZONING

NOTICE OF ZONING VIOLATION (NOV 372003)

September 9, 2019

Mailed Certified Mail # 70173380000051248478
And FIRST CLASS MAIL

LEON BELIVEAU
1166 MAIN STREET
FAIRFAX, VT 05454

NOTICE OF VIOLATION AT:
38 GREENE STREET, BURLINGTON, VT
TAX LOT #045-2-087-000

Zoning Violation# 372003

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 38 Greene Street.

Description of Violation: Occupying structure with more than four unrelated adults in an RM zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13.

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 9, 2019, 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 (City Hall, 149 Church Street) by **4 pm on September 25, 2019**; 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,

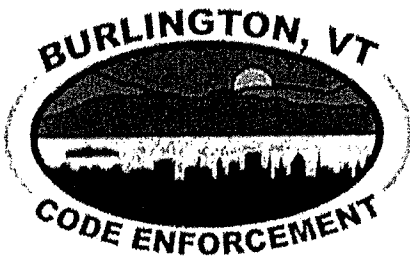
Sincerely,

William Ward
Zoning Administrative Officer

Theodore Miles
Code Compliance Officer

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 045-2-087-000



CODE ENFORCEMENT OFFICE
645A Pine St, PO Box 840
Burlington, VT 05402-0840
VOICE (802) 863-0442
FAX: (802) 652-4221

May 2, 2019

LEON BELIVEAU
1166 MAIN STREET
FAIRFAX, VT 05454

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SEP 23 2019

DEPARTMENT OF
PLANNING & ZONING

RE: 38 Greene Street Burlington, Vermont

Dear Owners,

According to our records, you are the owner of record of the above-referenced property. This letter is to inform you that the Code Enforcement Office has received the following complaint(s) regarding this property:

- **Occupying structure with more than four unrelated adults in an RM zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13**

Our office has initiated an investigation regarding the complaint(s), however, as of this date; a final determination has not been made. Should you have any information or explanation that you believe will be useful to us during our investigation, please submit it to the Code Enforcement Office, **in written form, within the next ten (10) business days**.

Please note, while any information from you as the property owner is useful, the investigation will occur with or without the information. This letter is intended to give you notice of the alleged complaint(s) against your property and to provide you an opportunity to explain the condition and/or refute the allegation prior to a formal determination being issued.

Should you have questions, please do not hesitate to call me at 863-0442.

Sincerely,

William Ward
Assistant Zoning Administrative Officer
Code Compliance and Enforcement