



**Town of Hinesburg
Office of the Zoning Administrator
10632 Route 116, Hinesburg, VT 05461**

**802-482-2281 extension 226 (ph) 802-482-5404 (fax)
hinesburgzoning@gmavt.net**

September 11, 2013
Brett Grabrowski
Hinesburg Center LLC
66 Knight Lane, Suite 30

Tax Map Number 08-01-06.324

Williston, Vermont 05495

Dear Brett,

On September 11, 2013, you confirmed that an apartment in the structure located on the northeastern corner of the Farmall Drive and Kaileys Way intersection was occupied. No Certificate of Occupancy has been applied for, or issued, for zoning permit #2013 – 5 which was issued for that structure, on February 5, 2013 as a commercial 2 story structure.

On June 18, 2013 you received approval from the Hinesburg Development Review Board for a revision to a previous subdivision approval granted September 7, 2010 and revised on May 15, 2012 (including reconfiguration of this lot, # 47), and July 5, 2012. This approval allowed the second floor of that structure to be converted to residential uses. A change in use permit is necessary for that use to be instituted and none has been issued. This permit is exactly the same as the one that you applied for and received for a similar structure in your development, several months ago, and I have been communicating with you for several months about the need for this permit in this structure. You are fully aware that one was required.

Therefore, in conformance with Title 24, Chapter 117, Section 4451, I am hereby giving you formal notice that you are in violation of Section 4.1.3, Certificate of Occupancy and Section 4.1.1(2) for the change in use without a permit.

Please understand that if you fail to correct this violation within seven days of receipt of this notification it will be necessary for me to turn the matter over to the Town Attorney for whatever legal action the Town of Hinesburg deems appropriate. Such legal action could result in your being fined as much as \$100 (One Hundred Dollars) per day for each day that you continue in violation. Correction of this violation could be achieved by:

1. Vacating the apartment until a Use Permit and Certificate of Occupancy for the conversion of second floor commercial use to residential use has been issued by the Zoning Administrator, as furthermore, getting the required Certificate of Occupancy for permit #2013- 5, the permit for the structure itself.

The Certificate of Occupancy for the change in use cannot be issued until the appeal period for the change in use permit has expired, fifteen days from its issuance.

In accordance with Title 24, Chapter 117, Section 4465, should you disagree with this notice of violation, you have the right to appeal to the Hinesburg Development Review Board through this office in the Town Hall or via mail to 10632 Route 116, Hinesburg, Vermont 05461, within fifteen (15) days. A notice of appeal must be in writing and shall include the name and address of the appellant, 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 requested by the appellant and the alleged grounds why the requested relief is believed appropriate under the circumstances. The appeal must also be accompanied by an appeal fee of \$210 dollars.

If this violation is repeated after the seven (7) day period and within twelve (12) months of this date, a court action may be instituted immediately, without providing an additional seven day opportunity to cure the violation 23 V.S.A. Section 4451

Sincerely,

Peter Erb, Zoning Administrator, Town of Hinesburg

Cc: Bud Allen, Town Attorney, Joe Colangelo, Town Administrator, Alex Weinhagen, Director of Planning and Zoning.