

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SD*
DATE: June 21, 2011
RE: 11-0874CA; 83-85 Hungerford Terrace

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RH Ward: 2

Owner/Applicant: Rob LaClaire

Request: Convert duplex to triplex with associated building renovations. Three space parking waiver requested.

Applicable Regulations:

Article 4 (Maps & Districts), Article 6 (Development Criteria & Guidelines), and Article 8 (Parking)

Background Information:

The applicant is seeking approval to install a 3rd unit in the basement of an existing duplex structure. No site changes are proposed. Minimal exterior building alterations are proposed, and a 3-space parking waiver is sought.

Previous zoning actions for this property are noted below.

- 3/21/11, Approval to install entry roofs over two rear doorways
- 11/1/10, Approval for a rear addition
- 10/27/04, Approval to install a fence

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The subject property is located in the RH zone. This zone is primarily intended for high density residential development in the form of attached multi-family homes. The proposed development is consistent with the purpose of the RH zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The proposed 3rd unit on the 5,973 sf (0.14 acre) lot is acceptable with a permissible density of 40 units/acre.

Lot coverage is limited to 80%. It will not change from the existing 65%.

Setbacks and building height will remain unchanged as well. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed triplex is a permitted use in the RH zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought.

2. Height

Not applicable in RH.

3. Lot Coverage

No lot coverage exceptions are sought.

4. Accessory Residential Structures and Uses

No changes to the detached garage are sought.

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

No development bonuses are being sought.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Not applicable.

2. Roofs and Rooflines

Not applicable.

3. *Building Openings*

The installation of several new windows accounts for most of the exterior building alterations. The proposed windows are located on the rear and side elevations and are consistent with existing fenestration in the building. **(Affirmative finding)**

(b) Protection of important architectural resources

The subject property is historically significant, and both buildings (residence and garage) are included on the state historic register. Exterior renovations are minimal. The new windows will be acceptable clad wooden units. Muntins must be factory adhered to the exterior. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

A new bathroom vent and gas meter are proposed and are acceptably located on a side elevation. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed 3rd unit is located in the basement and must comply with the city's current building codes and egress requirements. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Neighborhood Parking District and is required to have 2 parking spaces per unit. As a result, the parking requirement will increase from 4 spaces for the duplex to 6 spaces for the triplex. The property has sufficient space for 4 parking spaces (3 in the garage and 1 in the driveway). It has insufficient space for 6 parking spaces; however, a parking management plan has been submitted in support of a parking waiver. **(Affirmative finding)**

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

Although there is room onsite for 4 parking spaces as noted above, a 3-space parking waiver is requested.

The proposed parking management plan will limit onsite parking demand by limiting leases to 1 vehicle per unit and also by providing CCTA bus tickets to tenants free of charge. The property is centrally located and is in close proximity to the College Street shuttle and other CCTA bus lines. It is within easy walking or biking distance to downtown. Bike storage for each dwelling unit will be provided onsite. Participation in Car Share will be encouraged, but details are lacking.

Written neighborhood input has been submitted to the file prior to the currently proposed parking management plan. The input asserts that the requested parking waiver is inappropriate given the number of bedrooms existing and proposed (10 total – net increase of 3 from existing conditions) in the residence. This point is valid; however, the parking standards of Article 8 pertain to the number of residential units without regard to the number of bedrooms.

As proposed, the parking management plan will limit onsite parking demand. A 3-space waiver can reasonably be granted. Per this criterion, in order to grant a waiver, the long-term implementation and enforceability of the parking management plan must be insured and is subject to review and approval by the City Attorney. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the long term implementation and enforceability of the parking management plan shall be made acceptable to the City Attorney.
2. Muntins on the new windows shall be factory adhered to the exterior.
3. The proposed renovations shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
4. It is the applicant's responsibility to comply with all applicable ADA requirements.
5. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
6. Standard permit conditions 1 -18.

83-85 Hungerford Terrace

Parking waiver request

And misc. information

- Property is presently a duplex the request is to add a third unit within the existing footprint.
- A parking waiver adequate to accomplish this is requested.
- Apartment is a 2 bdrm of 488sq.ft.
- Access is from the westerly side of the building.
- Windows to be used are Anderson 200 series double hung wood frame with exterior cladding.
- Lot coverage is 65%.

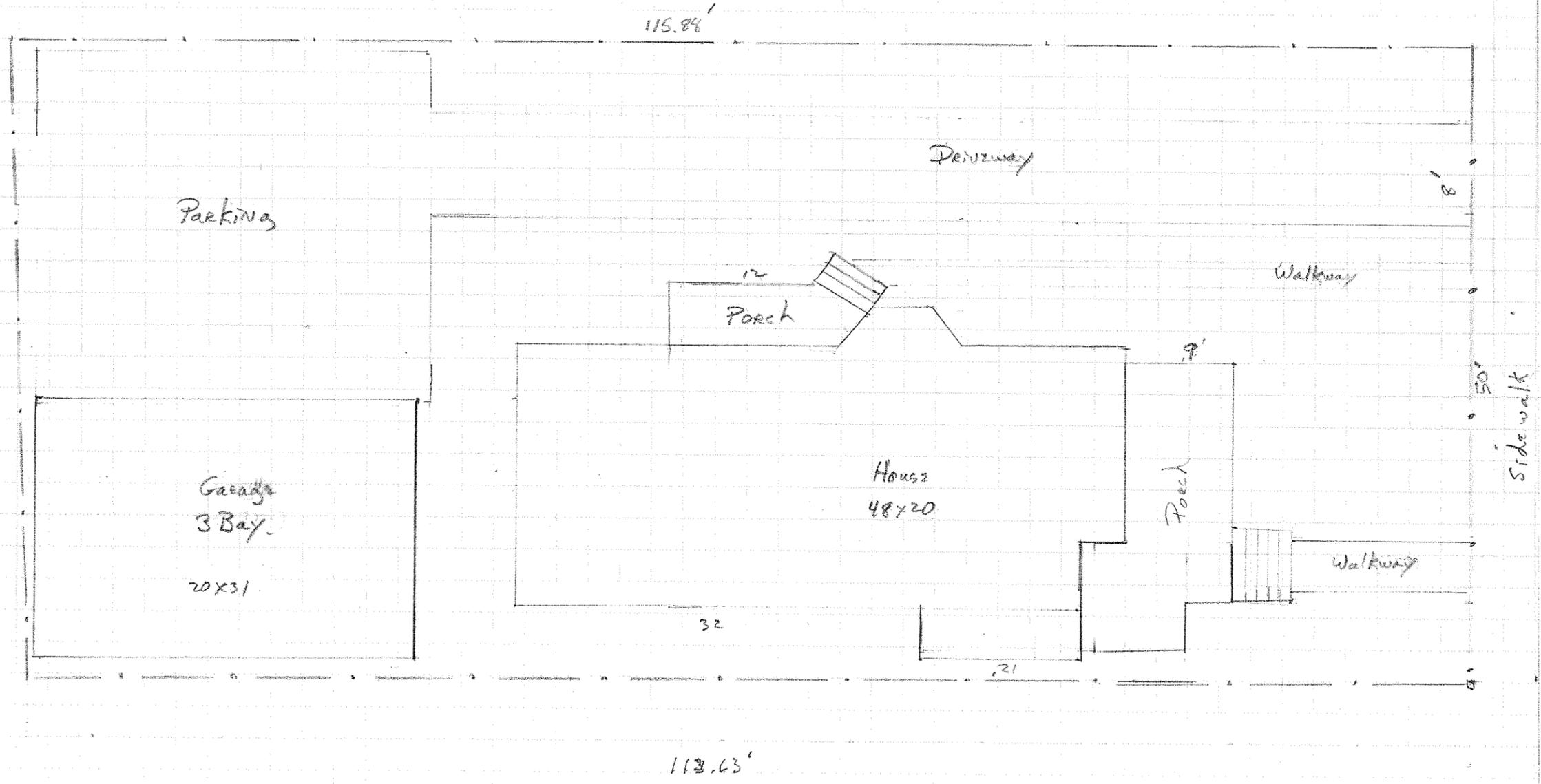
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↑
Project North

83-85 Hungerford Terrace
Site Plan

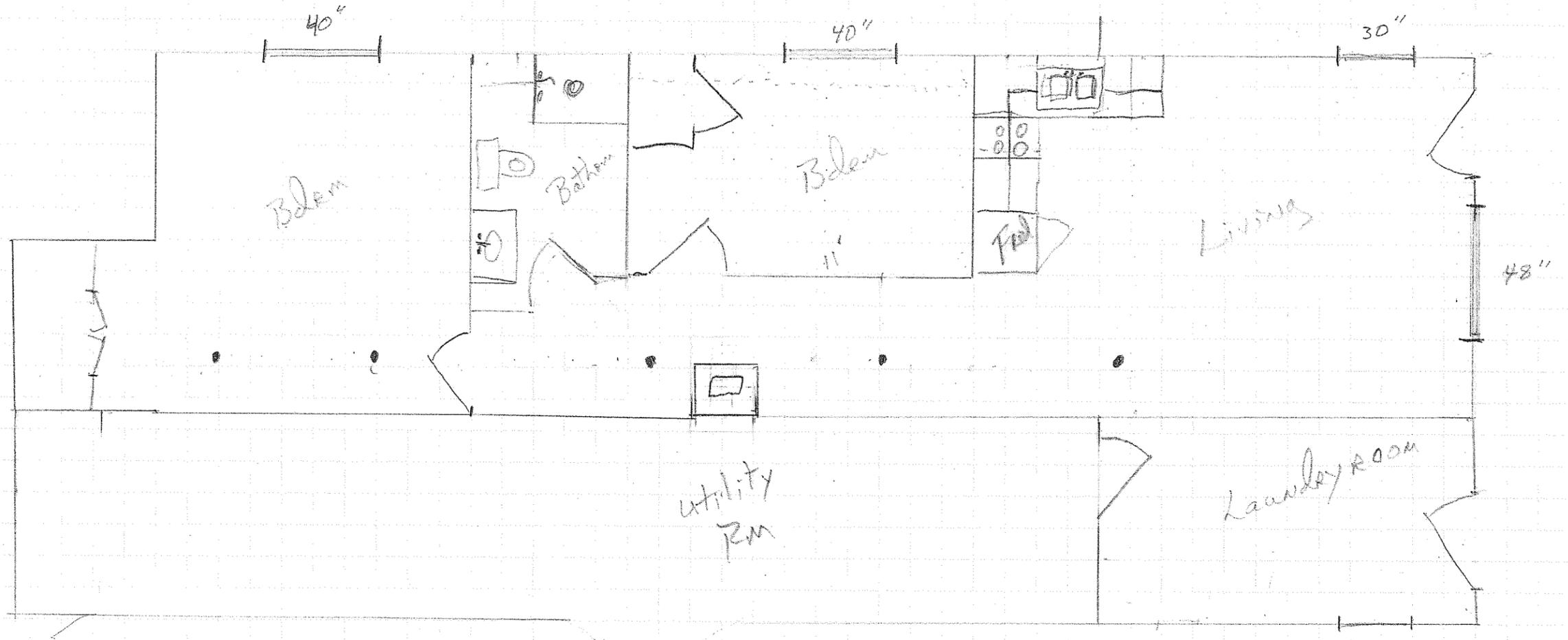


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Scale 1" = 10'

83-85 Hungerford
Basement Floor Plan



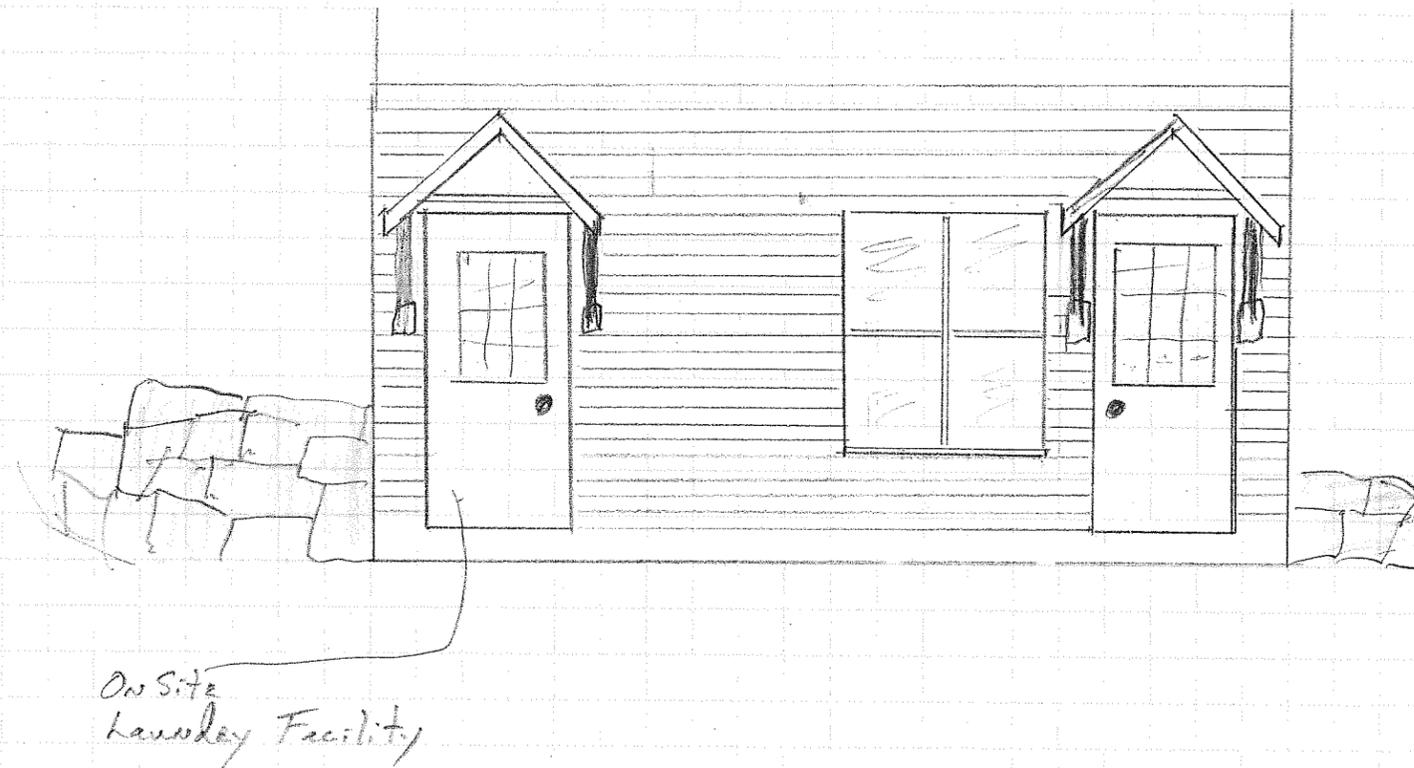
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Scale 1/4" = 1'

1. West Elevation
83-85 Hungerford Terrace



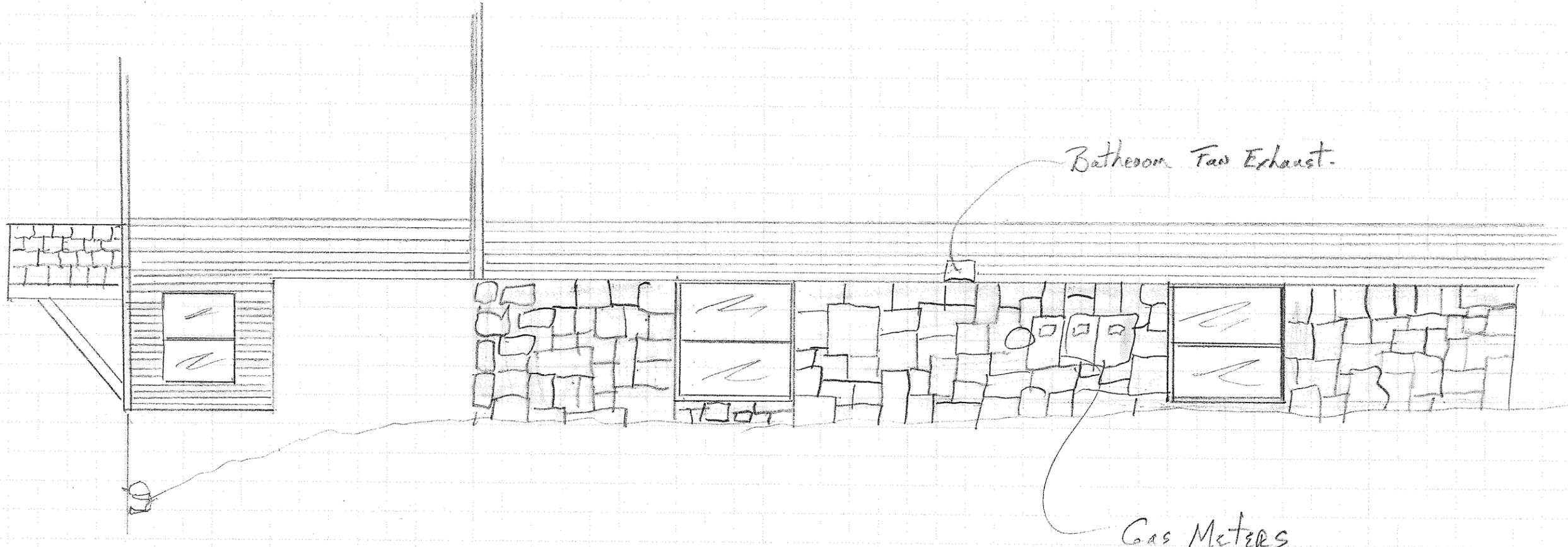
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Scale 1/4" = 1'

South Elevation
83-85 Hungerford Terrace



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Scale 1/4" = 1'



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83-85 Hungerford Terrace

Parking Management Plan

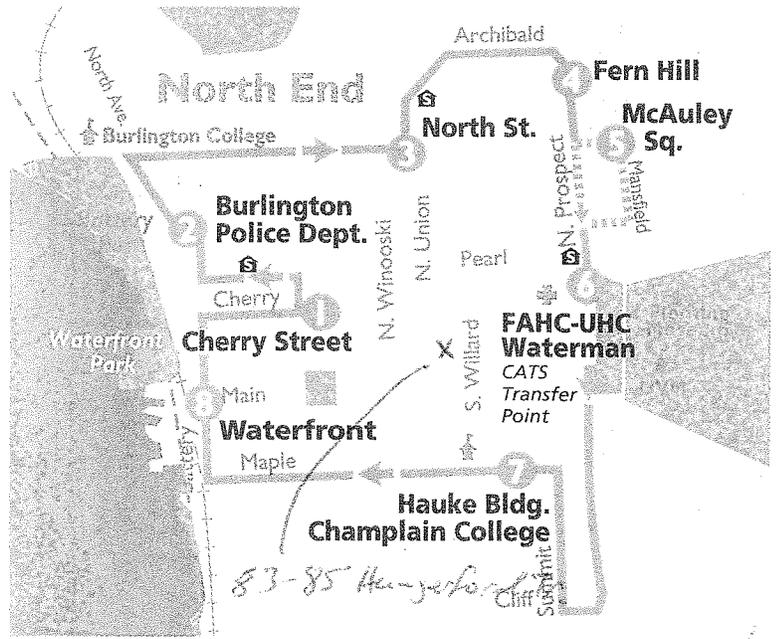
- Property is centrally located within walking distance to downtown, grocery store, and pharmacy, University of Vermont, FAHC and Champlain College. Virtually all tenant applicants to date have been involved with one of the entities and walk to their destination.
- College st. shuttle passes within 150' of the property and CCTA stop is within 800' of the property. Location of local stops and schedule (www.ccta.org) will be provided for all tenants (See Attached schedule and route information). Individual CCTA ride tickets (free to the tenant) will be available on request.
- Within walking distance to Car Share lots and office. Active participation in Car Share will be encouraged.
- Bicycle racks are provided in each garage, This will help maintain lot integrity and provide a safe, dry place for the bike storage.
- New leases will allow for only one vehicle per unit.
- Laundry facilities in building.

MONDAY-FRIDAY

Cherry Street ①	Burlington Police Dept. ②	North St. North Union ③	Fern Hill ④	McAuley Square ⑤	UHC / Waterman ⑥	Champlain College ⑦	Waterfront ⑧	Cherry Street ①
6:45	6:48	6:52	6:55	-	6:58	7:03	7:06	7:10
7:15	7:18	7:22	-	7:26	7:28	7:33	7:36	7:40
7:30	7:33	7:37	7:40	-	7:43	7:48	7:51	7:55
7:45	7:48	7:52	-	7:56	7:58	8:03	8:06	8:10
8:00	8:03	8:07	8:10	-	8:13	8:18	8:21	8:25
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R On-board request only.

Bus waits at and departs from the intersection of Cherry St. and St. Paul St., spot 6, and turns left onto St. Paul from Cherry St.



SATURDAY

Cherry Street ①	Burlington Police Dept. ②	North St. North Union ③	Fern Hill ④	McAuley Square ⑤	UHC / Waterman ⑥	Champlain College ⑦	Waterfront ⑧	Cherry Street ①
6:25	6:28	6:32	6:35	-	6:38	6:43	6:46	6:50
7:00	7:03	7:07	-	7:11	7:13	7:18	7:21	7:25
7:30	7:33	7:37	7:40	-	7:43	7:48	7:51	7:55
8:05	8:08	8:12	-	8:16	8:18	8:23	8:26	8:30
8:35	8:38	8:42	8:45	-	8:48	8:53	8:56	9:00
9:10	9:13	9:17	-	9:21	9:23	9:28	9:31	9:35
9:45	9:48	9:52	9:55	-	9:58	10:03	10:06	10:10
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Re: 83-85 Hungerford Terrace Parking Waiver Request 11-0914GA

DEPARTMENT OF
PLANNING & ZONING

To Whom It May Concern:

We respectfully request that the Development Review Board deny the request for the above referenced parking waiver.

We will address the applicant's "Parking Management Plan", as well as further concerns we have.

- Currently, there are a total of three parking spaces for 2 four-bedroom units. If held to current zoning standards, the existing structure would be short one parking space, although this situation is grandfathered in.
- The proposal does not create one additional space for the new unit; it takes away a spot from an already non-conforming parking situation.

In response to the applicant's first two justifications for the waiver, *Property is centrally located within walking distance to downtown, grocery store, pharmacy, University of Vermont, FAHC and Champlain College, and College street shuttle passes within 150 feet of the property and CCTA stop is within 800 feet of the property:*

- When the zoning requirements for two parking spaces per unit were put in place for high-density residential areas, the existence of the aforementioned services and institutions (namely, shuttle, other busses, walking distance to downtown, colleges, hospital etc.) were well known.
- In spite of the proximity to these services and institutions, the two-spaces-per-unit rule was enacted. Thus, proximity to these services and institutions is in no way a justification for fewer spaces.
- These justifications are not relevant, nor are they in keeping with the original understanding and intent of the high density residential parking requirement of two spaces per unit.

The applicant's management plan suggests that the tenants' lifestyles will primarily center around downtown services and institutions or along bus routes.

- It would be discriminatory to require tenants to have a lifestyle, such that an automobile would not be necessary.
- It would be discriminatory for the landlord to attempt to mandate where tenants will work and shop by selecting tenants according to their workplace.

- Even tenants whose lives do center around the facilities and services mentioned in the application often times have an automobile for necessity or convenience. There are many reasons why non-students and students, even if they work nearby, or even within a few miles of downtown, find it necessary to have an automobile to go to work:
 - Convenience
 - Workplace not on bus line
 - Weather
 - Health
 - Injuries
 - Travel to visit families that may or may not live locally
 - Vacations
 - Holidays
 - Leisure activities
 - Second jobs
 - Change in circumstances (e.g. job change, etc.)

In response to the applicant's justification that the *Lease for new unit will only allow one vehicle*:

- The current parking availability is 3 spaces for two 4-bedroom apartments. The new unit will take away one parking spot from these two units/8 bedrooms.
- The new 2-bedroom unit leaves each unit with only one parking space per unit, for ten bedrooms, exacerbating the existing parking non-conformity.
- The transformation from a duplex into a triplex is not a simple marginal change of an additional unit. A little over a year ago, this property was an owner-occupied duplex with a small rental apartment. Since the new owner purchased the property, he has already added four bedrooms to the existing units in the building, with no added on-site parking.
- We understand that there will be a total of eight bedrooms rented out with the current configuration; the building occupancy will be at least doubled, without any added on-site parking.
- Even without the proposed new unit, additional parking pressure will be placed on the neighborhood when the current configuration becomes fully rented.
- The proposed new unit will add two more bedrooms to that – a net increase in six bedrooms with no new on-site parking – exacerbating an already over-burdened on-street parking situation in our neighborhood.

Where will the automobiles of the new tenants go? They will wind up competing for street parking where there is already parking stress.

We would like to thank the DRB and the Department of Zoning and Planning for taking our concerns into consideration.


Linda P. Rizvi
80 Hangerford Ter.


Nicole Pelletier
79 Hangerford Ter.


DEBRA ROSEMAN
88 S. UNION #B


88 SOUTH UNION
BURLINGTON VT 05401


Anne Brana
34 Bradley St.


39 Bradley Street
Burlington VT


39 Bradley Street

Beid chul
34 Bradley

Jenna Grobel
71 BRADLEY STREET

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