

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



MEMORANDUM

To: The Design Advisory Board
From: Ryan Morrison, Associate Planner
RE: ZP 18-0605CA; 327 South Winooski Avenue
Date: April 10, 2018

File: ZP18-0505CA
Location: 26 Park Street
Zone: RH **Ward:** 3C
Date application accepted: January 5, 2018
Applicant/ Owner: John & Maria O'Brien
Request: Enclose back porch.



Background:

- **Zoning Permit ZP99-430;** installation of a fence to surround the front yard of the single family home. Proposal includes change of use from duplex to sfr. Approved April 12, 1999.
- **Zoning Permit ZP17-1255CA;** replace a window with a door of the rough same size on second story side of home – leading out to a flat roof. Denied September 6, 2017.

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- **Zoning Appeal 18-0463AP**; appeal Notice of Violation # 335339 relative to unpermitted site and building alterations. Enforcement Upheld December 19, 2017.
- **Zoning Permit 18-0555FC**; installation of fence (after the fact). Approved December 15, 2017.

Overview: 327 South Winooski Ave. is a single family home on a small lot (3,757 sf) built ca. 1882, and is listed as a contributing resource on the Vermont State Register of Historic Resources. The applicant has been under a violation notice for replacing a second story window with a door leading out to an unpermitted rooftop deck (above the subject porch) (NOV issued October, 2017). The enforcement order was upheld by the Development Review Board on December 19, 2017, after an appeal was filed. The violation has still not been corrected, but the applicant stated that he will return the porch rooftop and door/window to its previous condition. This application is to enclose the first story porch to become part of the kitchen.

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The subject property contains no important natural features as identified in the Open Space Protection Plan.

(b) Topographical Alterations:

No topographic alterations are included in the plans.

(c) Protection of Important Public Views:

The subject property is not affected by any identified public view corridor.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, below. The property contains no known archaeological resources.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application would preclude the use of wind, water, geothermal or other renewable energy resource.

(f) Brownfield Sites:

The site is not included on Vermont DEC's list of brownfield sites.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

The project does not result in any new impervious surfaces.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

By enclosing the porch, the existing covered rear entrance loses its shelter. However, the 'west face' elevation drawing indicates a canopy over what will be the new entrance.

(h) Building Location and Orientation:

The building will retain its orientation; fronting on South Winooski Ave. and Spruce Street.

(i) Vehicular Access:

Access will remain as existing; from Spruce Street. There are two parking spaces located directly off Spruce Street.

(j) Pedestrian Access:

The existing walkway will continue to serve this entrance from Spruce Street.

(k) Accessibility for the Handicapped:

Handicap access is not a requirement for single family residences. The building inspector implements ADA requirements.

(l) Parking and Circulation:

Two parking spaces are provided off Spruce Street. No changes to parking are proposed.

(m) Landscaping and Fences:

No changes to landscaping or the fencing are included within the project.

(n) Public Plazas and Open Space:

Not required.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

The plans indicate no new lighting. Should exterior lights be proposed, they will have to meet the lighting performance standards of Sec. 5.5.2.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

The plans indicate no new utilities or equipment.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposal will not change the building's existing massing, height and scale, but it will change the structure's historic appearance as seen from Spruce Street.

2. Roofs and Rooflines.

No changes to the roof are proposed.

3. Building Openings

The project will see the existing door and window on building reused on the new porch walls. The west face will see one double hung, 2/2 window, while the south face will see the entrance door and another double hung, 2/2 window. No other changes to the rest of the building's openings are proposed.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

This Spruce Street side of the home is currently active and inviting. The building façade offers variety, instead of a more uniform appearance. By enclosing the porch, the variation on the façade will change, and contribute to a more uniform street edge.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The applicant intends to match the enclosed porch siding with the rest of the structure's vinyl clapboard siding with 4" reveal. It is important to note that there is no record of permit approval for the vinyl siding (further discussion below). The existing wood door and window on the existing south and west facing walls will be relocated to the new porch walls. A second, new window will locate next to the door on the south face. This window should match the other windows on the home, and consist of a solid wood core. Hardwood flat stock 4" trim will be utilized around the door and windows, and made to match the rest of the trim on the home.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient construction per the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

The plans indicate no new utilities or equipment as part of the project.

(i) Make spaces secure and safe:

Development shall conform to all applicable building and life safety code as determined by the building inspector and fire marshal.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington’s historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington’s historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city’s historic growth and development, and maintaining the city’s sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

327 South Winooski Ave. was listed on the Vermont State Register of Historic Resources in 1977. These standards, therefore, apply.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior’s Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior’s Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The house was constructed in 1882 as a residence; a use which remains today. At one time, the structure contained two units. But as evidenced by zoning permit ZP99-430, the use changed back to single family in 1999.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The property appears to be intact with its form as of the 1977 recording of the structure in the Vermont State Register of Historic Resources. The porch is specifically noted in the historic listing, and in accordance with this criterion, needs to be retained.

Also of interest is the building's vinyl siding. The 1977 Historic listing notes that the siding was clapboard (wood). Sometime after 1977, the siding was changed to vinyl, as indicated by Assessor's property listings dating back to 1984. There is no evidence of zoning or building permits for this change. Unless evidence to suggest otherwise is produced, the City will view the vinyl siding as unpermitted, and thus technically a violation.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

By enclosing the porch, a historic element of the structure will be lost. The only way to preserve the porch would be to retain it as such.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

As noted above, the overall structure was sided with vinyl clapboard siding sometime after 1977, when the historic register listing was recorded. The original wood clapboard siding was not retained. Of particular note here is the fact that the historic listing takes note of the subject porch proposed to be enclosed. The structure is recorded as having a 'rear porch on SW corner'. By enclosing this porch, the historically significant porch will be lost.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

With the exception of the vinyl siding, the house retains its integrity of location, design, setting, materials, workmanship, feeling and association. If the project is approved, it will result in the disappearance of the porch's historic railings, balusters and ornamental brackets.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

There appear to be no deteriorated features on the porch. The proposal doesn't intend to replace anything on the porch, but rather close the porch completely, thus resulting in the loss of a historic feature of the structure.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed; physical treatments include the wholesale replacement of the historic porch with additional enclosed living space. This is contradictory to the preservation of historic features.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this address.

If any work associated with the project uncovers any archaeological remains or resources, proper authorities shall be contacted for appropriate recovery, assessment and disposition.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*
By enclosing the existing porch, the historic porch will be completely gone.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*
Enclosing the porch will result in a loss of a historic feature unlikely to be recovered.

Recommended Motion:

The existing porch is a documented feature of the historic structure at 327 South Winooski Avenue. By allowing it to be enclosed and converted into habital space would contradict Sec. 5.4.8 – Historic Buildings and Sites. The proposal is inconsistent with criteria 2-7 and 9-10. Denial of the permit is recommended.