

Department of Planning and Zoning

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TO: Design Advisory Board
FROM: Ryan Morrison
DATE: September 13, 2016
RE: 16-1441CA, 112 Church Street

Zone: D Ward: 3C
Owner/Representative: Jeffrey Berger

Request: Window replacement

OVERVIEW:

The applicant is seeking approval to install 8 wood, double-hung windows as replacement windows – 4 pairs of 2 windows on the 2nd and 3rd floor of 112 Church Street. 3 of the 4 pairs of existing windows are double-hung wooden windows, and the 4th pair are louvered jalousie windows, that were part of the original building constructed in 1961. No permits (zoning or building) have been issued for the apparent window replacement of three pairs of double-hung windows.

The building is included in both the National Register of Historic Places (Church Street Historic District) and the Vermont State Register of Historic Places. The building, which replaced a building that burned in 1941, was commissioned by Hiram Abraham and constructed in 1961. The “*H. Abraham Store*” is a three-story, two-bay, concrete block, flat roofed International Style commercial/residential building. As it took twenty years to re-establish a building on the site after the 1941 fire, it was H. Abraham’s intent to introduce a ‘modern building’ to the location. Since the building is listed on both the State and National Historic registers, it is subject to the standards of Sec. 5.4.8, *Historic Buildings and Sites*. Per the standards of Sec. 5.4.8 and established precedent, replacement windows should be louvered jalousie window units. Further, to alter the windows now would be contrary to the building’s intended style.

The applicant asserts that the double-hung wooden windows were installed prior to his ownership of the property, and that louvered jalousie windows are dated, and lack sufficient residential energy standards. Staff agrees that the double-hung windows were most likely installed prior to the applicant’s ownership. However, there were no zoning permits issued for these replacements. While there have been various alterations to the building since the early 1990s, the building remains substantially intact and is subject to the historic preservation standards of Sec. 5.4.8. This application is administrative; however, a recommendation by the Design Advisory Board is sought.

Three sets of photographs (attached) show the progression of the installation of the three pairs of double-hung windows. The first photo, dated December 20, 1984 shows the building with 3 sets of louvered jalousie windows, and 1 set of double-hung windows (north set on the 3rd floor). The

period when that set of windows was replaced is unknown. The second photo, dated January 11, 1995, shows the same window configuration, with 3 pairs of louvered jalousie windows, and the 1 pair of double-hung windows. However, sometime between January 11, 1995 and September 5, 1995, the south set of windows on the 2nd floor were replaced, as evidenced by the third page of attached photographs. There is no evidence of a permit for that window replacement. Lastly, the photograph accompanying the current application, presumably taken this year, shows the north set of windows on the 2nd floor no longer as jalousie windows, but rather double-hung. Based on this, it appears that that pair of windows was replaced sometime between September 5, 1995 and June, 2016. No permits were issued for these replacements.

ARTICLE 5: CITYWIDE GENERAL STANDARDS

Sec. 5.4.8, Historic Buildings and Sites

(a) Applicability

1. The building is 50 years old or older.

The building at 112 Church Street was constructed in 1961 and is more than 50 years old.

2. The building or site is deemed to possess significance in illustrating or interpreting the heritage of the city, state, or nation in history, architecture, archeology, technology, and culture because one or more of the following conditions is present:

A. Association with events that have made a significant contribution to the broad patterns of history; or,

B. Association with the lives of persons significant in the past; or,

C. Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,

D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,

E. Yielding, or may be likely to yield, information important to prehistory.

The building, “*H. Abraham Store*”, is listed as a ‘contributing’ resource on the National Register of Historic Places. It is a 3-story, two-bay, concrete block, flat-roofed International Style commercial/residential building. It replaced a 3-story block that burned in 1947. The façade features strong vertical elements, with narrow rectangular white plastic panels divided vertically by a black steel frame covering the entire 2nd and 3rd stories. Each of the two bays on the 2nd and 3rd stories contain paired windows separated by narrow steel mullions that are integrated into the black frame and reach from the cornice above to the signboard below. Three pairs of windows have one over one sash, while the south set on the third floor contains a pair of the original louvered jalousie windows. The original 1st floor storefront was altered in 1995 and given a more traditional appearance. It has a central door flanked on each side by three narrow half-length windows set in wood frames, with molded wood panels. Above the door is a wood signboard, sheltered by a ‘boutique’ black fabric canopy. The National Registry notes that despite the building’s younger age, it contributes to the district because its International style façade, with unusual materials, is original to the building.

It is important to note that the Church Street Historic District was written and adopted into the National Register of Historic Places in 2008. The description of the building’s windows is based on what was observed during surveying, which was three pairs of one over one sash and one pair

of original louvered jalousie windows. The three pairs of one over one sash windows are not original, nor were they ever permitted.

3. The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association.

See item 2 above. There have been minimal alterations to the building. Zoning permit history shows that there have been few exterior changes to the building, consisting of 1st floor façade renovations (storefront) in 1995, and a few new and replacement signs. Review under the standards of Sec. 5.4.8 will ensure continued integrity, whereas without it, incremental changes may continue until such integrity is lost.

(b) Standards and Guidelines

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 building at 112 Church Street was constructed for commercial use – with retail on the 1st floor, and office and storage space on the 2nd and 3rd floors. In 1992, a zoning permit was issued to convert the 3rd floor office use into a residential use. And in 1994, a zoning permit was issued to convert the 2nd floor from retail use into a residential use. Interestingly, both of those change of use permits noted that there were no exterior changes proposed. The 1st floor has remained a retail space, and the only exterior changes permitted were to renovate the retail store façade, in 1995.

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.

Windows are a character defining feature. The removal and replacement will undeniably remove an essential date-specific element of this International Style building.

With the exception of the 2nd and 3rd floor windows, the building at 112 Church Street, a 3-story, two-bay, concrete block, flat-roofed commercial building, has maintained its historic character. The 1995 zoning permit (ZP 95-277) to renovate the front façade saw a slight change to the 1st floor storefront. The full height display windows were changed to the half-height display windows seen today. Much of the historic character of the building remains in spite of alterations (double-hung windows and storefront façade) that have taken place. The 3 pairs of double-hung windows are plainly without applicable permits and not “grandfathered”. To bless the three pairs of double-hung windows and allow replacement with new pairs of double-hung windows; thus removing the last existing pair of louvered jalousie windows, would be a substantial step towards loss of the building’s historic character. Such action would be inconsistent with this standard.

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.

The building was not designed or constructed with double-hung windows. The removal of original jalousie and replacement with double-hung will introduce features anachronistic to the style.

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

No such changes are included in this proposal.

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

The existing double-hung windows are inconsistent with this standard. Allowing them to be replaced with new double-hung windows is equally inconsistent. Replacement of the jalousie windows in this structure with double-hung windows would not have been approved previously, nor should they be approved now. Installation of double-hung windows is inconsistent with this standard and with long-standing precedent for replacement windows.

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.*

The last remaining pair of louvered jalousie windows may be in need of repair since they are approximately 55 years old. Conversations with the applicant revealed that the proposed replacements are not in response to egress requirements. The 2nd and 3rd floor apartments already comply with egress requirements. The three pairs of double-hung windows appear to be in need of repair, or even complete replacement. However, replacing any of the windows with anything other than louvered jalousie windows would result in a loss of historic character.

Precedent for replacing windows under the standards of Sec. 5.4.8 would call for jalousie replacement windows. If there were egress requirements for these windows, then an alternative could be considered after the applicant demonstrated that there are no egress windows that are, or simulate, louvered jalousie windows available. The proposed use of double-hung units is inconsistent with this standard and with precedent.

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 such treatment is included in this proposal.

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

There are no known archeological resources on the property.

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.*

Approval of the proposed double-hung windows would validate the loss of louvered jalousie materials. As such, the proposed work would significantly erode the historic integrity of the building at 112 Church Street. The existing double-hung windows have no permits. Their replacement, as well as the replacement of the last pair of jalousie windows, with new double-

hung windows is to be considered as if the original windows had not yet been replaced. Installation of double-hung windows runs contrary to this criterion.

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.*

See #9 above.

ARTICLE 6: DEVELOPMENT REVIEW STANDARDS

Sec. 6.2.2, Review Standards

(a) Protection of Important Natural Features

Not applicable.

(b) Topographic Alterations

Not applicable.

(c) Protection of Important Public Views

Not applicable.

(d) Protection of Important Cultural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill... 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 Sec. 5.4.8(b) above. The building is included in both the National Register of Historic Places (Church Street Historic District) and the Vermont State Register of Historic Places, and as a result, Sec. 5.4.8(b) applies. Application of the principles of Sec. 5.4.8(b) would see that jalousie windows should be maintained.

(e) Supporting the Use of Renewable Energy Resources

Not applicable.

(f) Brownfield Sites

Not applicable.

(g) Provide for Nature's Events

Not applicable.

(h) Building Location and Orientation

Not applicable.

(i) Vehicular Access

Not applicable.

(j) Pedestrian Access

Not applicable.

(k) Accessibility for the Handicapped

Not applicable.

(l) Parking and Circulation

Not applicable.

(m) Landscaping and Fencing

Not applicable.

(n) Public Plazas and Open Space

Not applicable.

(o) Outdoor Lighting

Not applicable.

(p) Integrate Infrastructure into the Design

Not applicable.

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

Not applicable.

(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.

See Sec. 5.4.8 above. To allow double-hung windows would be in direct conflict with the intent of this section; which is to protect Burlington's architectural and cultural heritage. The building is included in both the National Register of Historic Places (Church Street Historic District) and the Vermont State Register of Historic Places.

(c) Protection of Important Public Views

Not applicable.

(d) Provide an Active and Inviting Street Edge

Not applicable.

(e) Quality of Materials

Not applicable.

(f) Reduce Energy Utilization

Not applicable.

(g) Make Advertising Features Complementary to the Site
Not applicable.

(h) Integrate Infrastructure into the Building Design
Not applicable.

(i) Make Spaces Secure and Safe
Not applicable.

RECOMMENDED MOTION:

Denial of the proposed double-hung windows. Louvered jalousie replacement window units would be acceptable.