

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

David White, AICP, Director  
Meagan Tuttle, Comprehensive Planner  
Jay Appleton, GIS Manager  
Scott Gustin, AICP, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Anita Wade, Zoning Clerk



**TO:** Design Advisory Board  
**FROM:** Ryan Morrison  
**DATE:** March 28, 2017  
**RE:** 17-0838CA, 76 King Street

---

Zone: RH                      Ward: 3C  
Owner/Representative:      Amy Danielson

**Request:** Replace asphalt shingle roof with a black, metal standing seam roof. Extend existing roof cover on first floor entry steps.

### OVERVIEW:

The applicant is seeking approval to replace an asphalt shingle roof with a black, metal standing seam roof, and to extend an existing roof cover on first floor entry steps, at 76 King Street, in the Residential High Density (RH) zoning district. The three-dwelling unit building is included on the National Register of Historic Places (Battery Street Historic District). The National Registry entry reads as follows:

*“House, 76 King Street, 2-story, wood frame covered with aluminum siding, gabled roof, redstone ashlar foundation. The house is 3 bays wide and has a large central chimney. A wing is on the west side of the house along King Street and is one story with a gabled roof sheathed with slate and an imbricated band. The main part of the house dates before 1853.”*

The Battery Street Historic District was entered into the National Register of Historic Places in 1977, and at that time, the structure at 76 King Street was recorded as having a wing on the west side of the house with a roof sheathed with slate. According to a 1984 Assessor’s listing, the building was noted as having a slate roof. It does not suggest that there was a mix of roofing materials. However, the attached 1976 photo shows what is presumably a slate roof on the west wing of the house and asphalt shingles on the remaining roof. Assessor’s records also indicate that sometime between October 1984 and April 1990, the slate roof was replaced with an asphalt roof. There are no zoning permits on file that indicate that this change was approved by Planning and Zoning. Additional permitting history shows building permits issued for:

- 1/29/96 – roof shingle repair; and
- 11/12/10 – remove asphalt shingle and replace with new asphalt shingle, new paper, flashing, drip edge, ice & water shield and repair roof decking where needed.

Because the building is listed on both the National Register of Historic Places, it is subject to the standards of Sec. 5.4.8, *Historic Buildings and Sites*. Similar to the current zoning ordinance, the 1973 Zoning Ordinance that was in effect between 1984 and 1990, also required preservation of historic buildings. Applying the historic preservation standards of the 1973 Zoning Ordinance

would likely have seen denial of any application proposing to change the slate roof on 76 King Street to asphalt shingles.

Regardless, building permit history shows that the unpermitted asphalt roof was not only repaired in 1996, but it also appears that a portion, if not all, of the asphalt roof was replaced in 2010. The current owner purchased the property in 2012, after the various changes to the roof had been done.

There is evidence in the Assessor's records that would suggest a more specific timeframe of when asphalt shingle roofing was installed. In 1989 there were interior fire damage repairs conducted which may explain the change in roofing materials. This appears to correlate with the 1990 Assessor's listing that notes the roof as changing to asphalt. Additionally, in the Gamache Appraisal of December 16, 1995, it is noted that the structure had a mix of asphalt and slate roofing. While these changes would still have required a zoning permit, the attached documents appear to provide some insight as to why the roofing changes were made, and the DAB should be aware of them while considering the current proposal.

The applicant also proposes to extend the roof cover on the first floor entry steps. The current roof covers just the doorway landing, and not the steps. There is no mention of this entry roof in the historic listing, so it is difficult to tell its age. This roof is topped with asphalt shingles, and it is presumed that the extension would either be covered with asphalt shingles, or with metal standing seam.

Planning and Zoning staff is seeking a recommendation from the Development Advisory Board whether to hold the structure to the requirements of Section 5.4.8 and require the roof to revert back to slate, or allow the proposed metal standing seam.

## **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 76 King Street was constructed in 1853 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 is a contributing resource on the National Register of Historic Places. It is a 2-story structure, with aluminum siding covering a wood frame, a gabled roof, and a redstone ashlar

foundation. The structure is 3 bays wide and has a large central chimney. As noted in the National Register listing, a one-story, gabled-roof wing is on the west side of the building, along King Street, and was sheathed with slate and an imbricated band.

It is important to note that the Battery Street Historic District was written and adopted into the National Register of Historic Places in 1977. The description of the building is based on what was observed during surveying, which was that the west-side wing, along King Street, had a slate roof. The photo from 1976 supports that this wing had a slate roof at that time. While the Register description does not state that the entire house had a slate roof, the Assessor's record from 1984 suggests that it did.

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

See item 2 above. With the exception of two building permits issued for 'in-kind' exterior repairs to rotten materials (in 2013 and 2015), and the unpermitted change from a slate to an asphalt shingle roof, there have been minimal alterations to the building. Review under the standards of Sec. 5.4.8 should ensure continued integrity, whereas without it, incremental changes may continue until such integrity is lost. If the DAB recommends approval of the new metal standing seam roof, it would legitimize a significant loss of historic integrity that the building once had when the roof was slate.

*(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 76 King Street was constructed for residential use, and currently contains 3 units. There are no plans to change the use of the property.

*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.*

Roofing is a character defining feature. Changing from a slate roof to asphalt shingle roofing undeniably changed the historic character of the property. To allow a new metal standing seam roof, at this point, would further confirm not only the loss of the slate roof, but also a significant portion of the structure'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 asphalt shingle or metal standing seam roofing. To acknowledge the removal of the original slate roofing and replacement with an asphalt shingle, and now the proposed metal standing seam roof, would 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 asphalt shingle roof is inconsistent with this standard. Considering it as legally existing, and then allowing its replacement with a metal standing seam roof is equally inconsistent. Replacement of the slate roof on this structure with asphalt shingles would not have been approved previously, nor would it be today. The same would apply to the proposed metal standing seam roof.

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 is no way of knowing why the slate roof was replaced with asphalt shingles. It is possible that the slate roof was deteriorating. Or perhaps the property owner at the time simply wanted a different look. However, had the owner sought a zoning permit for the change in roofing materials, it is quite likely that the City would have denied the request, and required slate roofing. A great portion of the structure's historic character was lost when the slate roof was removed.

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 metal standing seam roof would validate the removal of the original slate roof, and its replacement with an asphalt shingle roof. The existing asphalt shingle roof was never permitted. Replacing the asphalt shingle roof with a metal standing seam roof is to be considered as if the original slate roof had not yet been replaced. Installation of a metal standing seam roof runs contrary to this criterion.

The applicant intends to install solar panels on the roof, and notes that both a roofer and a solar company representative informed her that the weight of both a slate roof and solar panels would be too much for the building to sustain. The city does not regulate solar panels, but does encourage them. However, basing a recommendation of the type of roof material on the introduction of solar panels is contrary to the historic preservation standards of this section.

The request to extend the entry way roof cover seems very reasonable. It should utilize materials similar to the materials on the existing portion of the roof cover. The applicant notes that the steps are currently pressure treated wood.

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 the National Register of Historic Places (Battery Street Historic District), and as a result, Sec. 5.4.8 (b) applies. Application of the principles of Sec. 5.4.8 (b) would see that a slate roof should be installed.

#### *(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*

The applicant has noted that she intends to install rooftop solar panels, and has noted that both a roofer and a solar company representative have indicated that the building would not be able to sustain the weight of a slate roof and solar panels. While solar panels are encouraged, they are not regulated by the city. The structure is bound by the requirements of Sec. 5.4.8 to preserve historic materials. Basing a recommendation on the introduction of solar panels on the roof of a historic structure is outside the purview of Sec. 5.4.8.

*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. The building is included on the National Register of Historic Places (Battery Street Historic District). To allow a metal standing seam roof would be in direct conflict with the intent of this section; which is to protect Burlington's architectural and cultural heritage. It would also establish that the existing asphalt shingle roof was an acceptable replacement of the original slate roof.

*(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.

**REQUESTED ACTION:**

Staff requests that the Design Advisory Board determine whether or not the asphalt shingle roof at 76 King Street, which was originally sheathed in slate, should be allowed to be replaced with a metal standing seam roof. It should be noted that if the Board supports the application, a significant portion of the structure's historic characteristics would change as a result, and could set a precedent where similar modifications on historic structures throughout the city would be acceptable.

Staff also requests the DAB to consider the proposed roof extension over the first level entry steps.

