



City of  
Burlington, Vermont  
645 Pine Street

## Zoning Permit – Reasons for Denial

ZP W#: 22-148

Tax ID:

Issue Date: November 1, 2022

Decision: Denied

Property Address: 47 Harrison Avenue

**Description:** After-the-fact permit; replace unpermitted vinyl windows with new vinyl windows.

### Reasons for Denial:

There are no building or zoning permits on file for installation of vinyl windows in 47 Harrison Avenue. The property is listed within the **Lakeside Historic District** as a contributing resource (listed April 12, 1982.) Replacement materials would require both a zoning permit and a building permit. Although the vinyl windows have been in place since approximately 1989, it was an unenforceable violation as 15 years had passed without issuance of a violation. The applicant could retain those windows, but could not utilize their existence toward any future redevelopment. The windows have now been replaced again, but are not compliant with existing standards.

### **Section 5.4.8. (b) Standards and Guidelines**

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 original wood windows had a fenestration pattern of 4/2. The replacement 1/1 vinyl windows is a removal of distinctive materials and alternation of features. **Adverse finding.**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.* Original windows in Lakeside homes have a 4/2 fenestration pattern. The applicant changed the windows from wood 4/2 double hung to vinyl without permits (c. 1989) and have now replaced the windows again with 1/1 vinyl. **Adverse finding.**

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.* The replacement 1/1 vinyl windows do not match the materials or design of the original 4/2 windows. **Adverse finding.**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.* The replacement vinyl windows do not retain the same appearance or pattern as the historic window sash. **Adverse finding.**

**Section 6.2.2(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 Section 5.4.8.(b)*

See above. **Adverse finding.**

**Section 6.3.2 (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 Section 5.4.8.*

See above. **Adverse finding.**

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*. Appeals may be filed online at [burlingtonvt.viewpointcloud.com/categories/1098](https://www.burlingtonvt.viewpointcloud.com/categories/1098) or in-person at 645 Pine Street, Burlington, Vermont. <https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>