

Department of Permitting & Inspections

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TO: Development Review Board
FROM: Scott Gustin
DATE: May 16, 2023
RE: ZAP-23-4; 71-73 Peru Street

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: 3C

Owner/Appellant: Damon Lane

Request: Appeal of zoning administrative denial (ZPW-13-18) to replace wooden windows with vinyl casement windows.

Overview:

The applicant is appealing an administrative denial of an application to replace four double hung wooden windows with four vinyl casement windows in an historic building. The subject multi-family residence dates to circa 1893 and is included in the Vermont state register of historic places. The historic listing for this property notes the 2-over-2 window sashes and plain architrave. Wood windows remain present throughout except for a new (not replacement) window installed in the rear. Given the historic significance of the building, the historic preservation standards of Sec. 5.4.8, *Historic Buildings and Sites*, apply.

The standards of Sec. 5.4.8 were included in the original adoption of the Comprehensive Development Ordinance in 2008. Since then, some 14 applications to replace wooden windows with vinyl windows in historic structures have been denied based on the standards of Sec. 5.4.8. Several of the denials were appealed to, and upheld by, the Development Review Board. These denials do not reflect the numerous applications for vinyl replacement windows that were revised to include acceptable replacement window materials (wood, clad wood, or fiberglass) and approved.

In an effort to be responsive to evolving window products since the 2008 adoption of the CDO, the Design Advisory Board discussed at length standards for replacement windows in historic structures in Spring of 2022. The Board produced a document entitled "Replacement Window Guidelines for Historic Buildings" in April 2022. This guidance document articulates the importance of repair and maintenance of existing materials and outlines considerations for replacement when necessary. Emphasis is placed on stylistic and dimensional consistency between existing and replacement windows. Acceptable replacement materials are noted: wood, clad wood, and fiberglass.

Recommendation: Uphold administrative denial as per the following findings.

I. Findings

The subject application was filed January 28, 2023. The application was made complete on March 8, 2023. That same day, the applicant was informed of the historic preservation standards that apply to the property and the inconsistency of vinyl replacement windows with those standards. The proposed windows are casements but include dividing bars and grilles to simulate the existing 2-over-2 double hung window appearance.

The application was paused temporarily while the applicant looked into acceptable alternatives. Ultimately, the applicant decided to stick with the proposed vinyl replacements, asserting that there are no alternatives that are as efficient and as durable.

The application was administratively denied March 27, 2023 per the following:

The subject property is historically significant and is included in the Vermont State Register of Historic Places. The standards of Sec. 5.4.8, Historic Buildings and Sites, apply to this application. The applicable standards and guidelines of this section call for repair and retention of significant materials rather than replacement. Where replacement is necessary, the standards call for retention of design, color, texture, and materials where possible. The existing windows are wooden. While they are themselves replacement windows, they are wooden windows that were allowed as replacements of the original wood windows. They are true double-hung units with exterior muntins simulating divided lites. They essentially retain the materials and features of the originals. The proposed replacement windows in this application are simulated double-hung units constructed of vinyl and contain dividing bars and grilles to simulate the appearance of the current 2-over-2 double hung units. There is well established precedent that allows replacement of wooden windows in historic buildings with clad wooden windows and, more recently, with fiberglass. The proposed vinyl replacements fail to comply with the applicable standards of Sec. 5.4.8 and cannot be approved.

Appeal of the denial was filed on April 4, 2023 and completed April 10, 2023 – within the 15-day appeal period.

The appeal asserts that the windows to be replaced are replacements from 2008 and are not historic. In fact, the windows to be replaced are not original. They were approved as replacements of previous wooden windows (perhaps the originals) and installed in partnership with the city's lead program. They are wooden replacement windows matching the materials and dimensions of the prior windows. As is acceptable for replacement windows, they are insulated, simulated divided lite windows rather than single pane, true divided lite windows. The key here is that the existing windows are acceptable wooden replacements of previous wooden windows, consistent with the standards of Sec. 5.4.8. The Historic Preservation Review Committee (a subcommittee of the Design Advisory Board) has addressed the matter of unoriginal wooden replacements in historic buildings and affirmed the continuing applicability of Sec. 5.4.8 standards for future replacements.

The appeal also notes that the same model of proposed window was previously permitted at the property. This assertion is correct; however, this permit (ZP-21-770) approved installation of an

entirely new window in the rear of the building. It was not a replacement. As a new feature, there is more flexibility for materials. In fact, new features are encouraged to differ from original features in historic buildings.

The appeal also states that replacement windows of equivalent performance were either not available (fiberglass) or more expensive (clad wood). There is a balance to be had between preservation of the city's historic resources and improved energy efficiency. There is a well-established track record of allowing insulated replacement windows in historic buildings to improve energy efficiency. Replicas are not required, but approval is predicated on acceptable replacement materials. The city's historic resources can be protected while also improving their energy efficiency.

The proposed vinyl replacements do not comply with the standards of Sec. 5.4.8 and would deteriorate the integrity of this historic building. Acceptable alternatives are available.

II. Recommended Motion

Uphold the administrative denial.