

## Department of Planning and Zoning

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### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: January 19, 2016  
RE: ZP16-0517CA 122 Summit 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.**



**File:** ZP16-0517CA

**Location:** 122 Summit Street

**Zone:** RL **Ward:** 6S

**Date application accepted:** November 17, 2015.

**Applicant/ Owner:** Ramsay Gourd Architects / Robert and Sally Linder

**Request:** Appeal of administrative denial for bay window on west elevation third floor.

#### **Background:**

- **Zoning Permit 16-0517CA;** replace third floor window with bay window. Denied November 2, 2015. (Focus of appeal.)
- **Zoning Permit ZP16-0128CA;** new front porch, mudroom addition on east, conversion of attic to living space with new dormers and egress deck on each (rear) side. Approved September, 2015.
- **Non-Applicability of Zoning Permit Requirements 16-0127NA;** replacement of painted wood shingle siding with same. Repair/replace trim as required. July 2015.
- **Zoning Permit 89-465;** Convert existing 2<sup>nd</sup> story of existing detached garage to living/studio space. Install 18' x 36' inground pool. Garage work to include construction of 10' gabled dormer, 8' x 10' second story balcony, first floor door to access interior stairs. Bathroom facilities to be provided. Approved September 1989 conditioned that the expansion of living space into the garage in no way allows for the establishment of a second residential unit. Property remains a single family residence.

- **Zoning Permit** request; Conditional Use request to change single family home to a single family home with home occupation, doctor's office. Erect a 72 sf. addition to the rear of the existing porch. **Denied**, March 1977.

The **Design Advisory Board** reviewed ZP16-0128CA, which originally included the third floor bay window as part of a larger development plan, at their August 25, 2015 meeting. The DAB approved the proposed alterations, with the exception of the third floor bay window. The DAB did approve an enlarged window, but not the projecting bay.

They Board *did* find the building eligible for historic listing, and Section 5.4.8 to be applicable. The applicants removed the bay window from the plan in order to secure permit approval and begin work. Under separate application (ZP16-0517CA) they have again applied for the third floor bay window; a permit that was denied administratively following the recommendation of the Design Advisory Board. This appeal is relative to that administrative denial.

**Recommendation:** The Design Advisory Board recognized the architectural and historic merit of 122 Summit Street; its integrity supported by existing building characteristics and features. The proposed projected bay window was not supported by the DAB. The recommendation is to adopt the DAB's recommendation, **upholding the administrative denial** per Articles 5 & 6; and to deny appeal.

## **I. Findings**

### **Article 5: Citywide General Standards** **Part 5: Special Use Regulations**

#### **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.*

*As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:*

1. *The building is 50 years old or older;*

122 Summit Street was constructed in 1928; therefore greater 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;*

122 Summit Street reflects the residential expansion of the Hill Section of Burlington; specifically as providing high style dwellings of exceptional quality, many professional designed and reflecting popular architecture of the period. This particular building is the work of A. Raymond Ellis of Hartford, Connecticut, an architect that is identified with this particular blended style of Tudor/Colonial Revival domestic architecture. Other examples of his work are within the Prospect Avenue Historic District in Hartford, Connecticut and Irving Park in Greensboro North Carolina.

*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;*

See above reference to the building architect.

Overall, the residential structures on Summit Street reflect the increased prosperity of Burlington, with dwellings on large lots that were designed and constructed for more affluent professionals just after the First World War. Clearly evident are Tudor Revival, Colonial revival and similar early 20<sup>th</sup> century architectural styles. 122 Summit St. specifically presents a blended style; predominantly reflecting the Tudor presence (steeply pitched roof, varied eave lines, window arrangement) with the period popular Colonial influence (6/6 windows, entry hood and slender tapered columns.) Several other examples of the Tudor style co-exist on this street (141, 176, and 178 Summit another blended style) as well as on neighboring streets (436 and 452 South Willard.) In the context of the street, style, and as representative of an identified period of domestic architecture, this house is eligible for historic designation. The Design Advisory Board echoed that sentiment in their decision August 25<sup>th</sup>.

The Vermont State Register listings for Summit Street end at house number 109, reflecting time and resource limitations in the effort to complete Historic Site and Structure Surveys in 1979.

*or,*

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

122 Summit Street is virtually unaltered from its original appearance, and retains a high degree of integrity of design, materials, association, feeling, location, setting and

workmanship. Recent permitting will alter the rear (east) façade (which will not be visible from the street), and the entrance canopy of the front porch.

*or,*

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

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

See above.

*(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 property was designed as a single family residence; the use is not proposed to change.

**Affirmative finding.**

- 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.*

At question is the proposed alteration of third story attic window.

Although pure Tudor examples may have no porch or only a small arched portico, 122 Summit reflects the influence of Colonial styling (the other most common architectural style in the early 1920s.) At present, the building is a visual confirmation of the popularity of both styles. The replacement of the Colonial door hood has been approved to help alleviate water problems.

The third floor window is among one of the truest character defining features of the Tudor style. The influence was early 16<sup>th</sup> century English architecture, with small window openings referencing an “arrow loop” or “loophole” for light, air, or shooting weaponry in defense. While first or second floor windows may reflect multi-paned or oriel (projecting) window arrangements, the third floor is most typically the smaller example.

The following are visual examples, as taken from McAllisters *Field Guide to American Houses*:



Cleveland OH, 1920s.



Toledo OH, 1920s.

Although stylistically windows mulled together, or infrequently bay windows may be evident on the first and second floors, large windows are mostly absent from third floors in the Tudor style. The proposal to introduce a three bay projecting window at the third floor on the primary façade at 122 Summit Street is an alteration that changes the spatial characteristics of the identified style, altering the original arrangement that is characteristic of the style and this example. **Adverse finding.**

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 large third floor bay window is not original to the house, nor was originally proposed in the architectural plans. To add one now is inconsistent with the style and this particular example. **Adverse finding.**

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

None identified.

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

See above.

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 evidence that the third story window, as proposed, previously existed. The Design Advisory Board would allow a larger window as a replacement, but specifically did not support the proposed projecting bay window. **Adverse finding.**

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 or physical treatments are proposed. Not applicable.

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

None identified. Not applicable.

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.*

The small third story window is a typical and representative characteristic of the blended Tudor/Colonial style at 122 Summit Street, and has been recommended for retention.

**Adverse finding..**

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.*

Although unlikely it may be possible to consider the proposed alterations reversible if sound plans are provided for the existing features. **Affirmative finding.**

## **Article 6: Development Review Standards**

### **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:**

Not applicable.

**(b) Topographical Alterations:**

None proposed. Not applicable.

**(c) Protection of Important Public Views:**

There are no protected public views from the site. 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. 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.

**(e) Supporting the Use of Renewable Energy Resources:**

No part of this application will prevent the use of wind, solar, water, geothermal or other alternative or renewable energy resources. **Affirmative finding.**

**(f) Brownfield Sites:**

None identified. Not applicable.

**(g) Provide for nature's events:**

Not applicable.

**(h) Building Location and Orientation:**

No change. Not applicable.

**(i) Vehicular Access:**

No change. Not applicable.

**(j) Pedestrian Access:**

No change. Not applicable.

**(k) Accessibility for the Handicapped:**

Not applicable..

**(l) Parking and Circulation:**

No change. Not applicable.

**(m) Landscaping and Fences:**

No changes are included within the plan.

**(n) Public Plazas and Open Space:**

Not applicable.

**(o) Outdoor Lighting:**

Not applicable.

**(p) Integrate infrastructure into the design:**

Not applicable.

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

**(a) Relate development to its environment:**

**1. Massing, Height and Scale:**

While the massing and height of the structure is not proposed to change from the streetfront, the Design Advisory Board found that the proposed window on the third floor, as presented and projecting from the building plane, was not appropriately scaled to the existing building. **Adverse finding.**

**2. Roofs and Rooflines.**

The preceding application proposed replacement of the front door hood with a metal clad shed-roofed canopy, which was approved. The projecting roof on the bay window (under appeal) is proposed to be flat seamed copper. The Design Advisory Board particularly objected to the window protruding from the plane of the primary façade, and specifically did not support that part of the application previously. **Adverse finding.**

**3. Building Openings**

The small third story attic window on the primary façade is proposed to be replaced with a three-part bay window. See Section 5.4.8, below for further discussion.

**(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:**

This is a private parcel; there are no protected views. Not applicable.

**(d) Provide an active and inviting street edge:**

The existing building is a notable example of a blended Tudor/ Colonial Revival. The proposed bay window in the third floor is an odd addition; but the building remains welcoming and attractive from the street. **Affirmative finding.**

**(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 proposed bay like the entrance canopy will be metal standing seam. The proposed material is considered durable. **Affirmative finding.**

**(f) Reduce energy utilization:**

All development will be required to meet the *Guidelines for Energy Efficient Construction* pursuant to the requirement of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding if conditioned.**

**(g) Make advertising features complementary to the site:**

No signage is included with the application. Not applicable.

**(h) Integrate infrastructure into the building design:**

Not applicable.

**(i) Make spaces secure and safe:**

Construction shall meet all applicable building and life safety code as defined by the Building Inspector and Fire Marshal, as appropriate. **Affirmative finding if conditioned.**

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