



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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SEP 25 2015

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 18 ADSIT CT

Subject Property Owner: GENE DAY

Appellant: GENE DAY

Agent/Representative: N/A

Mailing Address: 18 ADSIT CT

City, St, Zip: BURLINGTON, VT 05401

Day Phone: 802-735-2020 Email: ddayiii@gmail.com

Appellant Signature: [Signature] Date: 9-24-2015

In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- The Appeal fee of \$250;
Description of the decision under appeal;
Description of the property subject to the appeal;
Reference to the regulatory provisions applicable to the appeal;
Relief requested by the appellant;
Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 137 Amount Paid 250.- Zoning Permit # 16-0239CA

Available online at <http://bit.ly/1MLC7qo>

18 Adsit Front Porch A Case for Aeratis Traditions

Gene Day

ddayiii@gmail.com

802.735.2020

My Front Porch is Rotting Away



Tongue and groove floor is soft and won't hold paint.

Wherever the floor meets a column, there is serious rot.

Plan to Repair for Long-Term Durability and Appearance

Replace posts and rails with pressure-treated wood, paint to match current color scheme

Replace ceiling with matching wood material, paint to match current color scheme

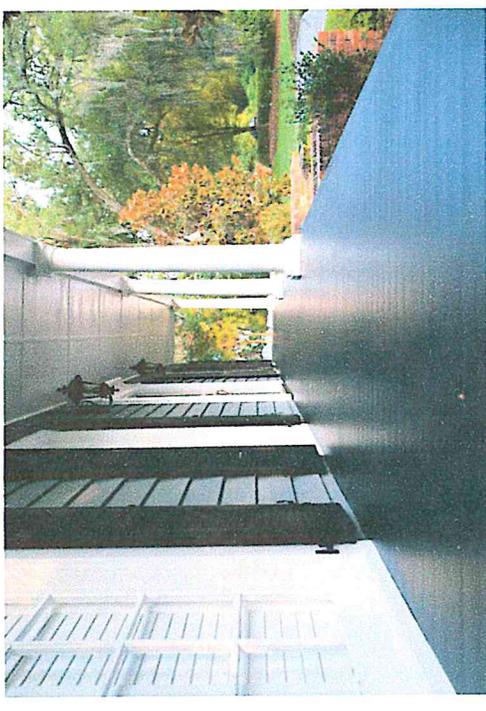
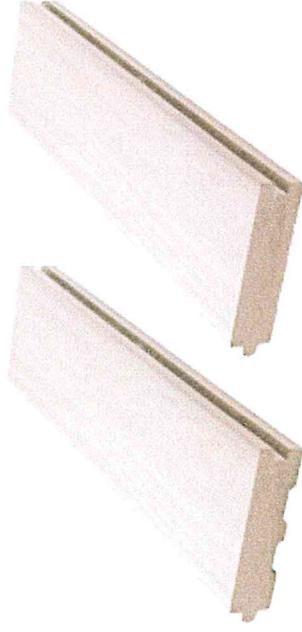
Replace floor with [Aeratis Traditions tongue & groove boards](#), paint to match current color scheme

What Is Aeratis Traditions?

Aeratis Traditions is an uncolored, paint-ready, pvc-based board that is designed specifically for those who want the look of a traditional painted porch.

Traditions can be painted or stained in any color.

Historically accurate profile and virtually indistinguishable from wood when painted.



Advantages of Aeratis Traditions

20 year warranty, ADA slip-compliant, Class A fire rating

Termite and mold proof

Dimensionally stable

5-A paint adhesion, the strongest paint adhesion in the industry. Paint literally bonds to the product. I soaked a painted sample in a bucket of water for a month. The paint didn't come off; the product didn't swell. It's been sitting outside on my porch for over a year with no change due to temperature or precipitation.

Approved in 48 states for historic restorations and restorations on National Register properties.

The Problem with Tongue & Groove Wood Porch Floors

Tongue & groove wood boards are not designed to be exposed to water.

- Water seeps through cracks
- Water is trapped by the tongue and distributed along the groove
- Wood retains the moisture, **paint loses adhesion**
- Boards **prematurely rot**

Old tongue & groove floors lasted longer because the wood was old growth which better resists moisture and rot.

- Most available wood products are not old growth; those forests are gone. My seven year old tongue and groove fir back porch floor is already rotting and has required repainting four times.
- Even pressure-treated tongue & groove porch floors [require priming on all six sides.](#)

Permit Approval Seems Obvious, Right?

Historically accurate look that is virtually indistinguishable from wood and has been used on National Historic Register properties

Less maintenance

Lasts longer

Lower cost of ownership over the lifetime of the product due to less maintenance and no rot

No run-down, worn-off, peeling paint look so common in this college ghetto

Permit Denied Based on [Section 5.4.8!!](#)



Zoning Permit - COA Level 1 - Reasons for Denial

ZP #: 16-0239CA Tax ID: 045-2-221-000

Issue Date: September 14, 2015 Decision: Denied

Property Address: 18 ADSIT COURT

City of
Burlington, Vermont
149 Church Street

Description: Replace main and center wooden porch posts with PT lumber, also replace railings/cross bars with PT lumber. Replace wooden porch ceiling in-kind. Replace wooden flooring with composite material.

Reasons for Denial:

1. The subject property is included in the Vermont Historic Sites & Structures survey and is subject to review under the historic preservation criteria of Sec. 5.4.8, *Historic Buildings and Sites*, of the Comprehensive Development Ordinance. The sites & structures listing for this property notes the front porch on the home and, in particular, the architectural details on this important building feature. Of the four Craftsman style Vernacular homes on Adsit Court, the listing notes that this house and the one next door (14 Adsit Court) are the best preserved examples of a style rare in Burlington. Sec. 5.4.8, (b) *Standards and Guidelines*, states that the removal of distinctive materials is to be avoided. Distinctive materials and features are to be preserved. Deteriorated historic features should be repaired. If replacement is needed, replacement materials should match existing. The proposed composite (PVC) porch flooring is a material change from the existing tongue-in-groove wooden porch flooring and is inconsistent with the standards of Sec. 5.4.8.

The State has decided my property has some [historic interest](#) due to its architecture. The City has invoked section 5.4.8 to deny the use of Aeratis Traditions flooring.

Note that section 5.4.8 indicates these are CONCEPTS that should be applied in a REASONABLE manner.

5.4.8 Historic buildings and sites.

(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.

Distinctive Material Change?

Aeratis Traditions is a material change, but it is **not distinctive material change**. What makes the porch floor authentic and distinctive is the look of painted tongue and groove boards. Aeratis Traditions maintains that distinction.

The City has interpreted Sec 5.4.8 incorrectly, prioritizing materials over appearance. It believes the use of a wood trumps all other considerations, including historical accuracy:

Gene Day: If I chose a wood like ipe and didn't paint it, would that be acceptable?

Scott Gustin: Wood of any species would be acceptable.

Ipe is NOT a traditional material. Vermonters in the early 1900s did not import ipe from the Brazilian rainforest and oil down their porches. They used tongue and groove fir boards from old growth trees and painted the floors. 18 Adsit Court is no exception; it has a painted fir front porch.

Aeratis Traditions does a better job preserving the historically accurate, painted tongue & groove board distinction than wood like ipe. And, since the paint adheres better, that look persists without looking run down, making it better than any wood product.

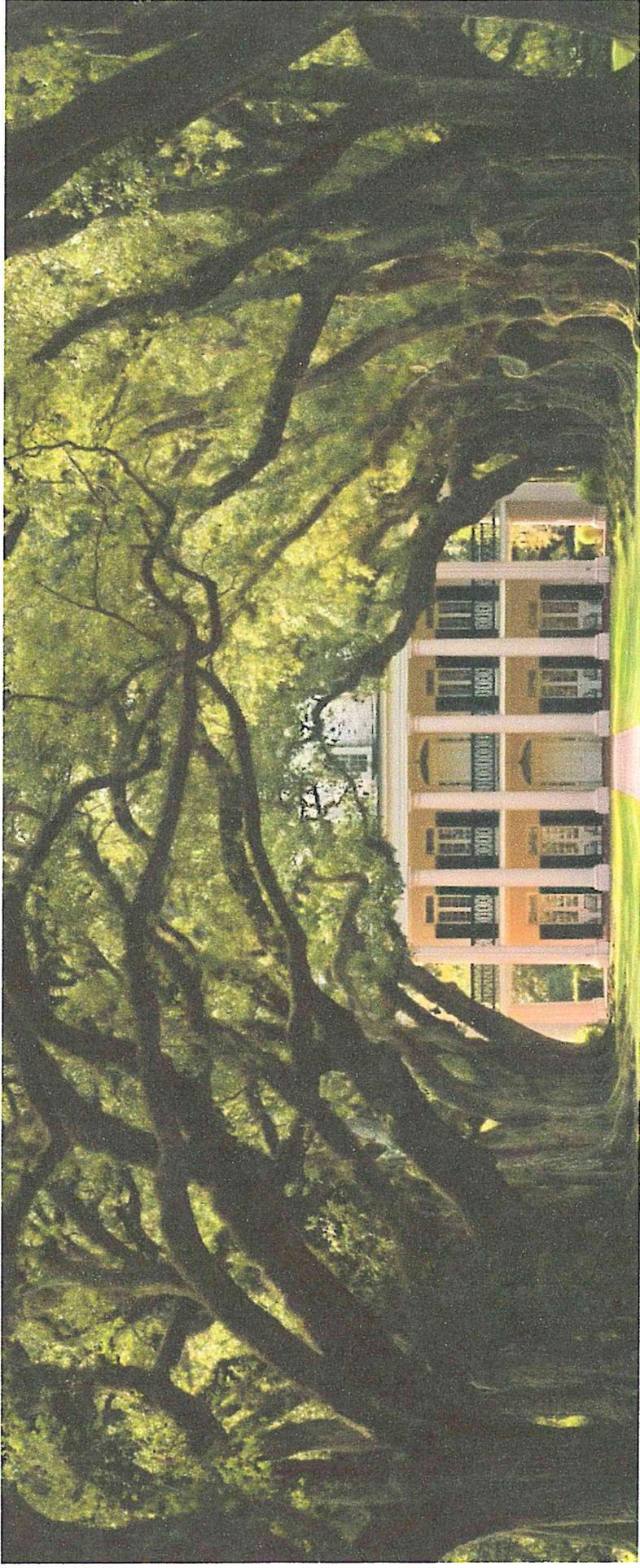
Approve this Appeal

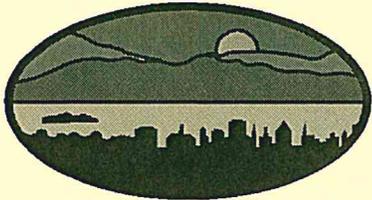
Aeratis Traditions has been approved and used on National Historic Register properties

Aeratis Traditions might not be a traditional material, but it offers the look of a traditional painted front porch. And, since paint adheres so much better than wood, that look lasts longer. It does not violate the intent of Section 5.4.8.

Aeratis Traditions fights neighborhood blight. A nice looking, well-maintained front porch shows that the owner cares. Worn down, peeling paint wood porches are just like [broken windows](#). Adsit Court is fighting for its neighborhood and losing to college kids and drug dealers.

Aeratis Traditions is good enough for the [Oak Alley Plantation](#) but not 18 Adsit Court?!?!





**ZONING REQUEST DENIAL
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 08/14/2015

Appeal Expiration Date: 09/29/2015

Project Location: 18 ADSIT COURT

District: RL

Owner: Eugene Day III

Ward: 1E

Address: 18 Adsit Court
Burlington, VT 05401

Tax ID: 045-2-221-000

Project Type: Residential - Renovation/Facade

Project Description: Replace main and center wooden porch posts with PT lumber, also replace railings/cross bars with PT lumber. Replace wooden porch ceiling in-kind. Replace wooden flooring with composite material.

Construction Cost:	\$2,500	Lot Size (Sq Ft):	5,000
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 16-0239CA

Decision By: Administrative

Level of Review: 1

Decision: Denied

See Reasons for Denial

Decision Date: September 14, 2015

Project File: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on September 29, 2015.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Not Applicable**

Received by: _____

Date: _____

Zoning Permit - COA Level I – Reasons for Denial



City of
Burlington, Vermont
149 Church Street

ZP #: 16-0239CA

Tax ID: 045-2-221-000

Issue Date: September 14, 2015

Decision: Denied

Property Address: 18 ADSIT COURT

Description: Replace main and center wooden porch posts with PT lumber, also replace railings/cross bars with PT lumber. Replace wooden porch ceiling in-kind. Replace wooden flooring with composite material.

Reasons for Denial:

1. The subject property is included in the Vermont Historic Sites & Structures survey and is subject to review under the historic preservation criteria of Sec. 5.4.8, *Historic Buildings and Sites*, of the Comprehensive Development Ordinance. The sites & structures listing for this property notes the front porch on the home and, in particular, the architectural details on this important building feature. Of the four Craftsman style Vernacular homes on Adsit Court, the listing notes that this house and the one next door (14 Adsit Court) are the best preserved examples of a style rare in Burlington. Sec. 5.4.8, (b) *Standards and Guidelines*, states that the removal of distinctive materials is to be avoided. Distinctive materials and features are to be preserved. Deteriorated historic features should be repaired. If replacement is needed, replacement materials should match existing. The proposed composite (PVC) porch flooring is a material change from the existing tongue-in-groove wooden porch flooring and is inconsistent with the standards of Sec. 5.4.8.



STATE OF VERMONT
 Division for Historic Preservation
 Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
 Individual Structure Survey Form

COUNTY: Chittenden
 TOWN: Burlington
 LOCATION: 18 Adsit Court. Two lots east from the corner of North Willard Street.
 COMMON NAME:
 FUNCTIONAL TYPE: House
 OWNER: William & Paula Dame
 ADDRESS: 18 Adsit Court
 Burlington
 ACCESSIBILITY TO PUBLIC:
 Yes No Restricted
 LEVEL OF SIGNIFICANCE:
 Local State National

SURVEY NUMBER:
 0402
 NEGATIVE FILE NUMBER:
 83-A-113
 UTM REFERENCES:
 Zone/Easting/Northing
 18/642700/4926700
 U.S.G.S. QUAD. MAP:
 Burlington 7.5
 PRESENT FORMAL NAME:
 William Dame House
 ORIGINAL FORMAL NAME:
 Carl H. Carroll House
 PRESENT USE: House
 ORIGINAL USE: House
 ARCHITECT/ENGINEER:
 Unknown
 BUILDER/CONTRACTOR:
 Unknown
 PHYSICAL CONDITION OF STRUCTURE:
 Excellent Good
 Fair Poor
 STYLE: Vernacular-Craftsman
 DATE BUILT:
 1909

GENERAL DESCRIPTION:
 Structural System
 1. Foundation: Stone Brick Concrete Concrete Block
 2. Wall Structure
 a. Wood Frame: Post & Beam Balloon
 b. Load Bearing Masonry: Brick Stone Concrete
 Concrete Block
 c. Iron d. Steel e. Other:
 3. Wall Covering: Clapboard Board & Batten Wood Shingle
 Shiplap Novelty Asbestos Shingle Sheet Metal
 Aluminum Asphalt Shingle Brick Veneer Stone Veneer
 Bonding Pattern: Other:
 4. Roof Structure
 a. Truss: Wood Iron Steel Concrete
 b. Other:
 5. Roof Covering: Slate Wood Shingle Asphalt Shingle
 Sheet Metal Built Up Rolled Tile Other:
 6. Engineering Structure:
 7. Other:
 Appendages: Porches Towers Cupolas Dormers Chimneys
 Sheds Ells Wings Bay Window Other:
 Roof Style: Gable Hip Shed Flat Mansard Gambrel
 Jerkinhead Saw Tooth With Monitor With Bellcast
 With Parapet With False Front Other:
 Number of Stories: 2½
 Number of Bays: 4x3
 Approximate Dimensions: 20x20
 Entrance Location: Gable front right.

THREAT TO STRUCTURE:
 No Threat Zoning Roads
 Development Deterioration
 Alteration Other:
 LOCAL ATTITUDES:
 Positive Negative
 Mixed Other:

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

2½ story overlapping double gable facade with first story brick and dominant second story block wood shingle with flaired course line and exposed joists on fascia board dividing stories. Raking eaves with exposed rafter and geometric relief narrow verge boards. Opposite side gables. 6/1 sash windows with plain surrounds; splayed brick lintels on first story. Single fixed attic windows in front gable peaks. Gabled front entry porch with steeply pitched roof, exposed rafter tails, stickwork on vertical boards in gable peak, square posts and diagonal stick railing. Front door half small panes, half raised panels. West side first story rectangular bay window with bracket supports. Rear enclosed gabled porch.

RELATED STRUCTURES: (Describe)

Gable end aluminum sided garage (c.1980) replaced original.

STATEMENT OF SIGNIFICANCE:

Of four Craftsman style Vernacular houses built on Adsit Court, this house and the one next door (14 Adsit Ct) are the best preserved examples of a style rare in Burlington. They were the first house on the street, developed by the Adsit family. Later Colonial Revival structures were built 1960. The original garage was removed (c.1980) due to age and poor condition.

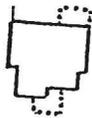
REFERENCES:

Burlington Directory, 1909

MAP: (Indicate North in Circle)



N. WILLARD STREET



AD SIT COURT

PEARL STREET

SURROUNDING ENVIRONMENT:

Open Land Woodland
Scattered Buildings
Moderately Built Up
Densely Built Up
Residential Commercial
Agricultural Industrial
Roadside Strip Development
Other:

RECORDED BY:

Karen Czaikowski

ORGANIZATION:

Div. for Hist. Pres.

DATE RECORDED:

June 16, 1983

Scott Gustin

From: Gene Day <ddayiii@gmail.com>
Sent: Thursday, September 10, 2015 10:31 AM
To: Scott Gustin
Subject: Re: 18 Adsit Court

Hi Scott,

I was thinking about ipe for the last couple days. While ipe is beautiful, it does not look historically accurate and isn't even a traditional material. It really needs to be a painted porch floor. That has traditionally been tongue and groove fir. Unfortunately, that doesn't hold paint very well and is a maintenance headache. For the first few years, it looks great, then it's scraping and painting every couple of years.

With Aeratis Traditions, I get the historically accurate look with a much better pain adhesion. I believe that maintaining the historic appearance is more important than just ensuring I use some wood product.

So, I guess you need deny my application, and I'll be appealing.

Thanks!
Gene

On Tue, Sep 8, 2015 at 3:22 PM, Scott Gustin <SGustin@burlingtonvt.gov> wrote:

Hi Gene,

Wood of any species would be acceptable.

Scott

Scott Gustin, AICP, CFM

Senior Planner

Dept. of Planning & Zoning

149 Church Street

Burlington, VT 05401

(802) 865-7189

From: Gene Day [mailto:ddayiii@gmail.com]
Sent: Tuesday, September 08, 2015 3:19 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: Re: 18 Adsit Court

Thanks, Scott. I would need to understand the tax credits before I decide if I would like to appeal before the Development Review Board. If I chose a wood like ipe and didn't paint it, would that be acceptable? Gene

On Tue, Sep 8, 2015 at 2:36 PM, Scott Gustin <SGustin@burlingtonvt.gov> wrote:

Hello Gene,

Inclusion on the list makes the applicability of the city's historic preservation criteria clear cut. That said, a property only needs to be "eligible" for inclusion on the list for the historic preservation criteria to apply. In other words, if you were to seek removal from the list, the criteria would still apply. The list is put together under the purview of the VT Division for Historic Preservation, but the criteria ([Sec. 5.4.8 of the Comprehensive Development Ordinance](#)) are part of the city's zoning code. In Sec. 5.4.8, you won't find anything that says don't use Aeratis, or vinyl siding, but you will find language that speaks to retention of existing materials. That's what leads to retention of wooden windows, slate roofs, and the like. Inclusion on the historic list does open the door to tax credits for appropriate building renovations. Your best point of contact for that is the VT Division for Historic Preservation. Mary O'Neil, our resident historic preservation expert and cc'd on this note, could also provide you with information relative to tax credits. If you want to continue to pursue use of the Aeratis flooring, you could always appeal an administrative zoning permit denial to the Development Review Board. Doing so takes additional time and an appeal fee, but the Board could rule in your favor. As staff, we really don't have the ability to veer away from the standards or set precedent.

Let me know how you'd like to proceed.

Scott

Scott Gustin, AICP, CFM

Senior Planner

Dept. of Planning & Zoning

149 Church Street

Burlington, VT 05401

(802) 865-7189

From: Gene Day [mailto:ddayiii@gmail.com]
Sent: Monday, September 07, 2015 8:28 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: Re: 18 Adsit Court

Hi Scott,

Sorry I wasn't able to reply sooner; I was on vacation in a very rural part of Vermont without cell or internet service.

I have a few questions and concerns:

- Has Aeratis Traditions been evaluated by the City or State? It is not your regular pvc decking like trex. It actually looks like painted wood. It has been used on historic restorations in 48 states, including properties listed on the National Historic Register.
- If my property wasn't on the Vermont Historic Sites & Structures Survey, would the Aeratis Traditions flooring be acceptable?
- Does this historic survey offer any benefits, such as tax deductions or grants to offset the costs of maintaining the property according to historic standards? My house wasn't on this survey when I bought it in 2001. I shouldn't have to pay for added costs associated with a standard arbitrarily imposed upon my property.
- Who is the contact for this survey? I noticed errors in the survey for my property and for the survey of 14 Adsit. I also find it odd that two almost identical houses up the street from me are not on this survey. I can provide some good arguments about how those two houses are better representations of the architecture than mine is.
- Could you point me to the City Statutes that indicate Aeratis is not an acceptable option?

I guess you can tell I really want to use Aeratis Traditions. :-) If I have to work with the people who did this historic survey, I'm willing to do that.

Thanks for your help, Scott!

Gene

On Thu, Sep 3, 2015 at 3:44 PM, Scott Gustin <SGustin@burlingtonvt.gov> wrote:

Good afternoon Gene,

I've looked over your zoning permit application for front porch work at 18 Adsit Court. Generally, the proposed work is acceptable. The PVC material, regrettably, is not. This home is on the Vermont Historic Sites & Structures Survey and is subject to the city's historic preservation standards. These standards call for retention of historic materials. In plain English, the wooden decking and ceiling can be replaced with new wooden decking and ceiling, but not with PVC. Your options are to revise the application or to keep it as is for a denial. You could appeal the denial to the Development Review Board if you wish. Doing so unfortunately takes more time and an appeal fee. I'm sorry that I don't have better news. Let me know how you'd like to proceed.

Scott

Scott Gustin, AICP, CFM

Senior Planner

Dept. of Planning & Zoning

149 Church Street

Burlington, VT 05401

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DEPARTMENT OF PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 18 Adsit Court

PROPERTY OWNER*: GENE DAY

APPLICANT: Same

*If condominium unit, written approval from the Association is also required

POSTAL ADDRESS: 18 ADSIT CT

POSTAL ADDRESS:

CITY, ST, ZIP: BURLINGTON, VT 05401

CITY, ST, ZIP: Same

DAY PHONE: 802-735-2020

DAY PHONE:

EMAIL: ddayiii@gmail.com

EMAIL:

SIGNATURE: [Signature]

SIGNATURE:

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

Description of Proposed Project: See https://goo.gl/0Ncld72 for project description and photos

Existing Use of Property: [X] Single Family [] Multi Family: # ___ Units [] Other: ___

Proposed Use of Property: [X] Single Family [] Multi Family: # ___ Units [] Other: ___

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes [] No [X]
Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes [] No [X]
For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes [] No [X]
Are you proposing any work within or above the public right of way? Yes [] No [X]

Estimated Construction Cost (value)*: \$ 2500.00

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: RL Eligible for Design Review? Y Age of House 1989 Lot Size 5000
Type: SN ___ AW ___ FC ___ BA ___ COA 1 [X] COA 2 ___ COA 3 ___ CU ___ MA ___ VR ___ HO ___ SP ___ DT ___ MP ___
Check No. 136 Amount Paid 80 Zoning Permit # 16-0239CA

See <https://goo.gl/ONCd72> for the online version of this document which contains links to supporting photos and websites.

Front Porch Project

Location: 18 Adsit Court, Burlington, Vermont

Owner: Gene Day, ddayiii@gmail.com, 802.735.2020

Current Condition:

- Right post is rotten at the bottom (1/3 of the bottom is wood filler)
- Wood floor and structural elements under right post are rotten
- Porch on right side has sunk down an inch or two due to rotting wood
- Floor boards are rotten/soft. Can't hold paint.
- Middle railing post is rotten and provides no support (will break if someone leans on it)

Goals:

- Repair and replace elements necessary to restore porch
- Paint all elements to match current color scheme
- Improve curb appeal

Details:

- Tongue and groove flooring needs to be replaced, preferably with Aeratis Traditions porch flooring. Will be painted shortly after installation.
 - Paint-ready, historically accurate, and architecturally correct PVC tongue and groove porch flooring.
 - Looks just like painted wood. Approved for many historical projects.
 - Paint adheres better to this product than to wood, meaning less maintenance, better appearance, and a nicer neighborhood
- Both of the main posts need to be replaced with pressure treated lumber. Water from the floor runs onto these posts, so untreated wood will rot. Will be primed and painted after they dry out.
- Center railing post needs to be replaced with pressure treated, and the replacement needs to be secured in a better way (not just to flooring but to boards underneath). Again, primed and painted after dried out.
- Tongue and groove ceiling needs to be replaced with the same tongue and groove wood material. Will be primed and painted shortly after installation.
- Railings, cross-bars need to be rebuilt with pressure treated lumber since water sits where they cross and where they meet the floor. Will be primed and painted after they dry out.



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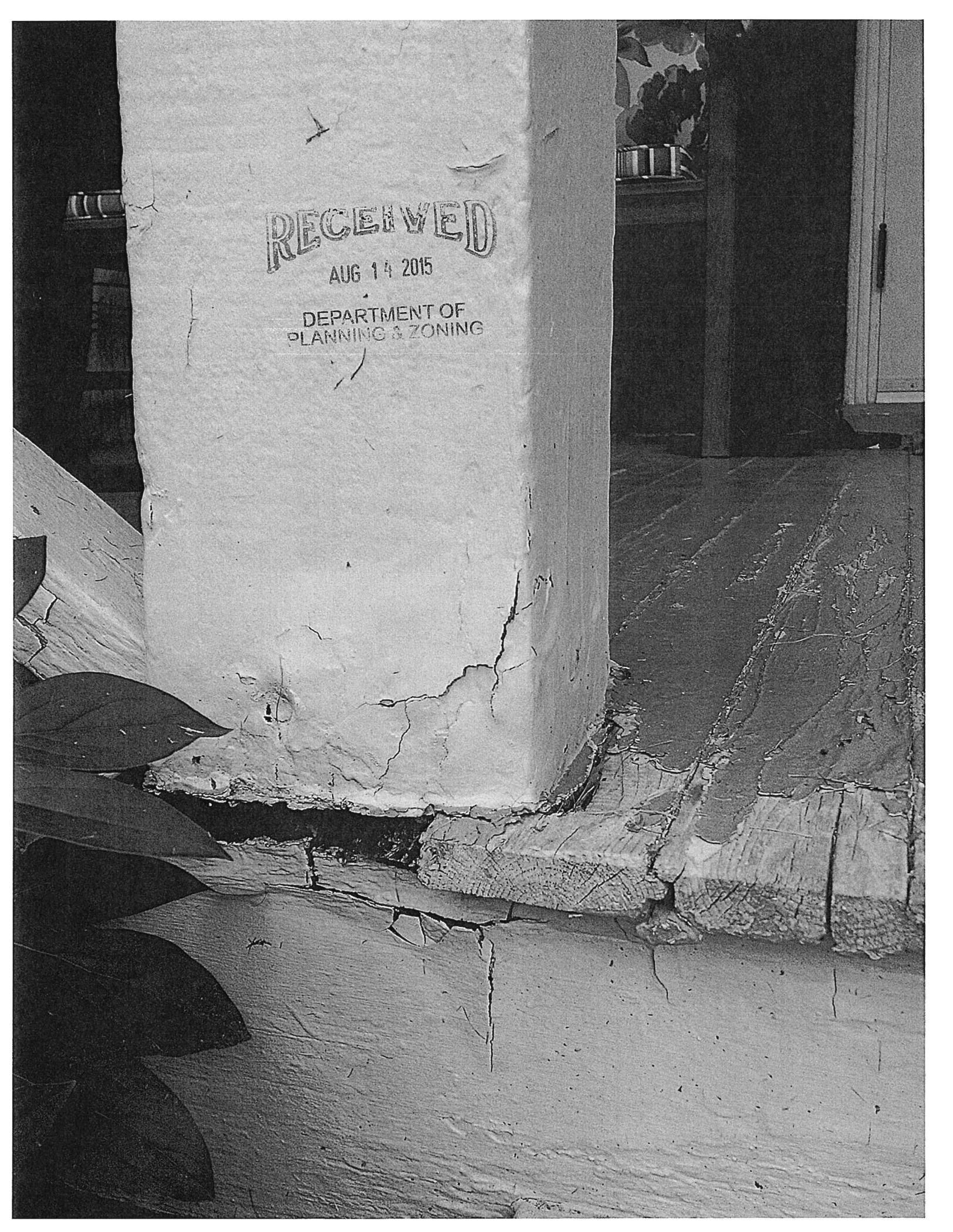
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PLANNING & ZONING



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PLANNING & ZONING

