

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Regular Meeting of October 20, 2021

Commissioners Present: Cheryl Jones, (Chair), Chris Barron, Sam Hayes, Derek Cote, Chuck Reed (Vice-Chair), Ralph Hammond-Green, Crystal Cauley, Jim Welter

Commissioner Dannals was in attendance but did not vote.

Commissioners Absent:

Staff Present: Matthew Manley, Planning Manager/Commission Coordinator, Alexandra Hunt, Planner, Angela Beeker, City Attorney, Terri Swann, Administrative Assistant III

I **Call to Order.** Vice-Chair called this meeting of the Hendersonville Historic Preservation Commission to order at 5:00 pm.

II **Agenda.** Mr. Manley stated there are few changes to the agenda. Item number 6 is to be moved to Item 4 and the addition to Old Business for the approval of the Findings of Fact for H21-27-COA. On motion of Commissioner Hammond-Green and seconded by Commissioner Welter; the Commission approved the amended agenda.

Chair arrived at 5:03 pm.

III **Minutes.** On motion of Commissioner Reed seconded by Commissioner Barron the minutes of the Regular meeting of September 15, 2021 were approved.

VI **Demolition by Neglect, 1420 Ridgecrest Drive.** (File No. H21-31-DEM)

Alexandra Hunt, Planner gave the following background:

The structure is located at 1420 Ridgecrest Drive and was built in the 1920's. The property is listed as contributing to the Hyman Heights Local Designation Report and National Register. The first petition for Demolition by Neglect was filed in 2006 which resulted in the removal of the greenhouse but not the primary structure. Both staff and HPC have continued to work with the property owners. Staff has received ongoing complaints from neighboring property owners. Staff conducted a recent cursory inspection on September 22, 2021. Staff concludes the property in its current condition contains defects that significantly impair the integrity of the structure.

Section 28-190 of the City of Hendersonville City Code requires that the exterior features of a building or structure, that is designated as a historic landmark or located within a historic district, *shall* be preserved by the owner (or person having legal possession/custody/control) against decay and deterioration and kept free from structural defects and the owner (or person having legal possession/custody/control) shall make repairs upon written request of the city.

Section 28-190 lists twelve (12) defects that have the effect of significantly impairing the integrity of the

building or structure.

The findings of the cursory inspection from September 22, 2021 are: Deteriorating/missing mortar, cracks in foundation masonry, large gaps between windows and frames, rotting window frames, unpainted/exposed window frames, foundation/wall from former boiler room /greenhouse is leaning and erosion under existing concrete stairs. Photos of the findings were shown in the presentation.

Ms. Hunt stated the next steps would be petition and action.

Section 28-191 (Petition and Action) states the HPC *may* file a petition listing specific defects with the Zoning Administrator requesting that the Administrator require the correction of deterioration or making repairs to any historic landmark or structure located within a historic district. (Procedure Section 28-191(1)): If a petition is filed, the Zoning Administrator has seven (7) days to serve the complaint to the Owner and/or other persons who may have legal possession. The administrative hearing will be held not less than 30 no more than 45 days after serving the complaint. Section 28-191(2) states if the Administrator determines that the structure is undergoing demolition by neglect because it is deteriorating or if its condition is contributing to deterioration according to the standards set in Section 28-190, the Administrator shall state in writing the findings of fact and shall issue an order to repair.

Mr. Manley stated a representative of the property is in attendance. If there is an economic hardship, they will need to provide evidence to that. There are other steps the City will have to take to alleviate the process due to an economic hardship. Selling the property has been mentioned. They have continued to work on the property. The more costly repairs have not been done yet. The neighbors are concerned, and you may hear from them. The Commission has the option to petition the City, or they can just take the information here today and give staff direction on what they want to do next. The Commission can decide to give staff time and the applicant time if deferred. This could also give them time to sell the property.

Chair explained to the current Commission what the previous Commission members had done concerning this property.

Mr. Manley stated he looked through the file and had to determine where the application was left off and if all legal steps were made from the previous staff.

Ms. Hunt stated the last Order to Repair was issued in November 2018. The roof was replaced in 2015. She was not sure if everything in the Order to Repair was addressed. The owners have been giving staff an update about repairs they have been working on.

Commissioner Welter stated this has been going on for the last 15 years, with a long-extended list that has not been completed. Ms. Hunt stated she would let the owner talk about this and give the reasons on why it has taken so long. The more expensive masonry structural issues have not been addressed yet. Mr. Manley stated they could possibly get assistance from the City but that would be another process. There are grants to help that the owner could apply for.

Jennifer Vanslow, representative for the property stated the property has not been distributed yet and has not gone through probate. She has been weighing her options, which does possibly include selling

the property. She has talked with paralegals but has been unable to talk with an actual attorney. She is not sure how the property is to be divided. She doesn't know to what degree her name is even attached to the property. Her uncle is here with her and her aunt has passed away, therefore he is her heir. She explained how previous staff had worked with her. They stripped the boiler room down to the foundation. Two of the windows have been replaced. She believes a ground hog is responsible for the deterioration under the stairs. She stated she has only been in charge of the property for a portion of the 15 years. She stated there has been some debate on whether the roof was replaced. This was a complete roof replacement. She stated the condition of the property has gotten better. Back when her grandfather became terminally ill, the property was covered with trash and was unkempt. She has cleaned all of that up. She understands that time is going by and things still are not complete, but she has cleaned piles of things out of the house by herself and the boiler room has been removed. Yes, the masonry work is not done yet, but work has been done. She has let contractors string her along and some of them would not even show up. She stated she is not rich, but she is not poor either. She feels like they could come up with the money to do the masonry work. She stated the engineer and the inspector disagreed on the foundation. The foundation is still solid, and it was built before code. She asked that the Commission give her time to get the masonry work going and to get clarification on legally who owns the property and who the heirs are. She doesn't want to let the home go because it has been in the family a long time but if she is unable to fix it, she would rather someone buy it and fix than to see it demolished. She understands this is serious and doesn't know if she has what it takes to pull it together. She asks for more time to get the legal aspects of it straightened out. She is trying hard to make the improvements.

Commissioner Reed asked if she has talked with any realtors that might be interested in selling the property. Ms. Vanslow stated she has talked with Terry and Susan Eisenhower and they are ready to list it when she makes that decision to do so. Commissioner Reed asked who actually owns the property now. Ms. Vanslow stated her grandfather died in 2014 and the will never was probated. She received conflicting information. The will was probated in Buncombe County because that was where her grandfather was living at the time of his death. The property in Hendersonville was never part of that. Buncombe County refused to list that property.

Chair asked if she has an appointment with the attorney yet. Ms. Vanslow stated yes, next week. Chair stated the attorney will figure out who the heirs are.

Angela Beeker, City Attorney stated it is relevant who the heirs are to determine who is responsible for the property. Ms. Vanslow stated she believes she is one of the heirs.

Chair stated the Commission is not here to figure out who are the heirs but rather to decide how to direct staff on this matter. Chair stated the Commission could give her time to speak with the attorney and come back to the Commission with more information. Then the Commission could pass a resolution if the goal is to preserve the home. Mr. Manley stated the result would be an Order to Repair unless there is an economic hardship.

Commissioner Hammond-Green stated he was ready to make a motion to table this item until the next meeting. There was discussion about that not being enough time to get the information they need. Mr. Manley stated they could look out further than one month. Commissioner Hammond -Green stated by tabling this until next month it will give time for them to have an entity to take action on. Ms. Vanslow stated the attorneys have not confirmed if they can help or not. They have been backed-up on appointments for months due to the pandemic.

Commissioner Cauley had concerns about the contractors stringing her along and dropping the ball and Ms. Vanslow stating she is not competent enough to know what is going on and how people take advantage of her. She felt like Ms. Vanslow should get someone to help her with this so that time doesn't keep going by without any work being finished and the house just keeps deteriorating even more. She suggested that she call more reliable contractors and get help with this.

Chair asked what the Commission's role would be for the Order of Repair. Mr. Manley stated an inspection would be done by the Zoning Administrator specific to the areas of the house. The Order of Repair will be based on that inspection.

Commissioner Hammond-Green made a motion to table the item until next month. Commissioner Barron seconded the motion which passed unanimously.

- IV(A) **Certificate of Appropriateness**, JMK Builders, LLC, applicant, 0 Hyman Avenue (PIN # 9569-72-0812), (File No. H21-29-COA). Prior to the opening of the public hearing, Chair announced that any persons desiring to testify at any of the public hearings must first be sworn as witnesses and will be subject to cross-examination by parties or persons whose position may be contrary to yours. A copy of the protocol for a quasi-judicial hearing is provided on the back table next to the agenda. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, come forward to the podium and begin by stating your name and address. Anyone who wishes to testify during the public hearings should come forward to be sworn in. Chair swore in all potential witnesses.

Mr. Manley gave the following analysis:

The Community Development Department is in receipt of an application for a Certificate of Appropriateness permit from JMK Builders, Justin Klepp to undertake the following work at the above referenced property:

1. Construction of a single-family dwelling.

Mr. Manley stated the applicant provided the following details for the construction. The home will feature the following except were modified by the feedback from DRAC. Aluminum-clad windows, Hardie-lap siding with 6" reveal, Craftsman style porch columns with stone bases, Board & Batten in front gables, 7/12 roof pitch, two large mature trees at the front of the site will remain undisturbed.

The Design Review Advisory Committee met in early October with the applicant and made the following suggestions: Shake siding will not be used, Board & Batten utilized in both front gables, Lap siding will wrap around and be utilized on the front walls, roof line will be dropped in line with front gable (6/12 pitch).

A rendering of the home was shown. The steeper pitch will be brought down. The shake will be removed. The Board & Batten will be replaced with lap siding and hardie plank with a 6" reveal. Mr. Manley pointed out the roof height on the plan. A floor plan was also shown.

Mr. Manley showed a site photo and pointed out the two large trees in the front which would remain.

These trees appear to have been planted to sit in the front yard of a home.

Photos of the neighborhood were shown. The applicant has been easy to work with and made the changes that DRAC had suggested. This submittal meets all of the Design Standards. Recommended motions for approval and denial were presented.

Chair asked if there were any questions for staff.

Commissioner Cote asked if there was anything in the proposal about window lights, they appear to be 2/2. He took a drive down there today and it really more 9/1, 6/1 and 3/1 classic Craftsman. Mr. Manley stated they did not have that conversation. They can bring that up tonight and hear from the applicant.

Commissioner Reed asked if there would be an archeological study done. Mr. Manley stated he did not think so. Commissioner Reed stated it was .3 in their guidelines and he stated it met all of them. Mr. Manley stated no, he had overlooked the last bit of that.

Commissioner Welter asked how the driveway would avoid both of the trees. Mr. Manley stated the applicant can answer that question.

There were no further questions for staff.

Justin Klepp, JMK Builders, LLC 2447 Turnpike Road, Horse Shoe, NC stated he is the owner and developer.

Commissioner Cote stated he thinks DRAC did a great job to avoid the farmhouse look and leaning it more towards Craftsman style. He did have a question if he has thought about the windows because it still looks very farmhouse and it would be the only windows like that on the block. Mr. Klepp stated his intention is what they call prairie grid, and it is typical for that Craftsman style. Commissioner Cote stated he has been through the process before he was on the Commission. He stated what he had to do was find houses in the area that reflect that particular style of window. The Commission looked back at the photos in staff's presentation. Mr. Manley stated they could offer up what the Commission may be comfortable with. Mr. Klepp stated the prairie grid would be on the top and the bottom sash and instead of being each individual sash going all the way around, this is just the perimeter. Just the four corner pieces across both sashes.

Commissioner Cote drew the windows as described. Mr. Klepp stated it was a perfect rendering. Chair stated it was labeled Exhibit A for the record.

Chair asked if Mr. Klepp was agreeable to the drawing and the drawing reflecting the windows he will use. Mr. Klepp stated yes, he was agreeable.

Commissioner Hammond-Green stated this drawing of the property is in conflict with the trees. Mr. Klepp stated he thinks so, yes. He asked if the house would have to move back further to accommodate. Mr. Klepp stated no, he believes the original proposal was like 50 feet but when onsite the home will line up with the rest of the homes and that setback appears to be about 30 feet from the sidewalk. Their intention was to keep that same line.

Commissioner Welter asked where the trees were located based on his driveway. Mr. Klepp stated the trees are kind of in the center of the property. As far as the driveway goes, he does not know how to answer that. It would be ideal for the driveway to be to the left of the far-left tree. He does not know how much room is between that tree and the property line. It would be perfect to have the driveway go down that side. If not the only other option in order to leave the trees would be adjust the house as close to the setback as they can on the right side. And come in between the trees.

Chair asked if he put the driveway on the left side, worst case scenario how many trees would have to come out? Mr. Klepp stated his intention is not to take any out. There are only those couple on the lot. Commissioner Welter stated he is guessing that he plans to abide by the fact that he plans to save the trees, but he can't tell them how he is going to do that. Mr. Klepp stated yes, the plan is for them to save the trees and in order to do so shifting the house if they need to.

Commissioner Cote had concerns about the roots dying during construction. Chair stated the guideline states to protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities such as loss of root area or compaction of the soil by equipment. She stated the way the applicant has suggested, this will be done in such a way as to preserve and protect the trees but he can't say for sure until he gets on site and begins the work. But his intent is to preserve and protect them. Mr. Klepp stated worst case scenario would be they would have to remove the tree on the left because the driveway needs to stay on that side or center it. He is not sure how much room is between the trees.

Mr. Manley stated the zoning code, Section 15-4 calls for one foot for every one inch in diameter at breast height. These are 20" diameter at breast height they would need 20 feet and a barricade of orange fencing and 2 x 4 posts would be placed at that location and no construction activity could occur in that area and no grading. Discussion was made about the width of the property.

Chair asked if they knew how old the trees are. Mr. Klepp stated no, but they are healthy trees.

Commissioner Welter said there is a question of if it can even be done if they follow the guidelines from the City. Mr. Manley stated he thinks the Commission can ask that the standard be adhered to and if that is not an option he can come back for a modification. Chair stated they could set a condition that if they find they cannot comply they would have to come back to the Commission and revise the plans and re-approve them and modify the application.

Commissioner Cote asked if the tree would need to be replaced if it had to be removed. Chair stated if the tree has to be removed, the applicant will need to get approval from the Commission for the removal. At that point they can address the replacement of the tree.

Commissioner Reed asked if there was some way, they could approve it without having the applicant come back. Mr. Klepp stated he does not mind having to come back to the Commission if the tree needs to be removed. Commissioner Reed asked if the applicant intended to do any survey for archeological resources. Mr. Klepp stated no he did not even know that existed.

Commissioner Welter asked if there was a distinct possibility that the trees will have to come down. His concern is if the applicant starts something and then has to come back, it puts the Commission in a

weird position. He doesn't like that, and he would like to have an answer before any money is spent.

Mr. Manley stated there is an indication from the applicant that he will preserve all trees if possible. There are some undetermined things and that is where they stand right now.

Chair asked if there any further questions for the applicant. There were no further questions.

Chair asked if anyone would like to testify concerning the application.

Eddie Shipman, 1307 Hyman Avenue stated he lives directly across the street from this lot. The trees are why he is here. The trees have been there all of his life. His family has been here 68 years at 1307 Hyman Avenue. Him and his mother live there presently. It is general consensus with the bordering neighbors that the trees need to be worked around. He has no problem with the home, it looks great. His problem is with the removal of the trees. The trees have been there 150 years. He came to speak for the trees. No objections to anything he is doing with the new home. It would be a major insult in their neighborhood to cut down those trees.

Mr. Klepp stated it is their intention to preserve the trees. Discussion was made about moving the driveway to the back of the house. Mr. Manley discussed the setbacks in the historic districts and a defining characteristic being the houses sitting closer to the street. Pushing the house further back on the lot would be out of character with the neighborhood. There could be some consideration with staff working with the applicant to finalize the position of the house and the driveway.

Chair asked what kind of driveway it would be. Mr. Klepp stated that is still up in the air. Typical for them is an asphalt driveway but he doesn't know that fits in very well. A prepped driveway with crushed stone underneath and topped with clean stone would have a nice look. Commissioner Welter stated if you had a permeable driveway with some kind of concrete strips and grass around the tree area which would allow the permeation of the tree more and that would fit a bungalow style house.

Chair stated the front setback is 20 feet and then the sidewalk. How far is the house at this point? Mr. Klepp stated he would guess 30 feet. The additional proposal was about 50 feet, but he believes that is too far.

Mr. Shipman asked if there was a well on the property. Mr. Klepp stated he doesn't believe so, the home will have city water and sewer.

Chair closed the public hearing. The Commission discussed Exhibit A and the windows, the trees and any objections to the house itself. There were no objections to the home meeting the guidelines. Commissioner Cote had concerns about being able to save the trees. Commissioner Hayes was concerned that it would be out of character for the driveway to go between those trees.

Chair reopened the public hearing.

Mr. Klepp stated the home would be gray and earth tone colors. Mr. Manley stated the guidelines do not address colors.

Chair closed the public hearing.

Commissioner Reed moved the Commission find as fact that the proposed application for a Certificate of Appropriateness, as identified in file #H21-29-COA, if constructed according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is not incongruous with the character of the Hyman Heights Local Historic District and aligns with the City of Hendersonville's Design Standards for the following reasons: Because the proposal by the applicant satisfies the majority of the Design Standards listed in Section 4 Subsection 4.3, with the one exception being 4.3.3. Also, with the understanding that the alterations requested from DRAC are applicable, the prairie style window identified as Exhibit A is applicable and preservation of trees is important to the Commission and the applicant will work with staff to do what he can to preserve those trees and if they can't, they will bring this application back to the Commission. Commissioner Barron seconded the motion which passed unanimously.

- V **Approval of Findings of Fact.** Chair stated the Findings of Fact for H21-27-COA need to approved.

Commissioner Barron moved the Commission to approve the Findings of Fact for H21-27-COA. Commissioner Cote seconded the motion which passed unanimously.

- VI(A) **Staff update on approved COA's.** Mr. Manley discussed a window replacement on the back side of 147 1st Avenue East. This has not been approved yet. He stated a staff approval was issued for 418 Crescent Drive for the removal of trees.
- VI(B) **Update on African American History efforts.** Commissioner Hayes gave a brief update on the progress. Commissioner Cauley discussed the history and contribution of African Americans and the importance of it.
- VII **Adjournment.** The Chair adjourned the meeting at 6:41 p.m.

Chair